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TRANSACTIONS

OF THE

Alabama Historical Society

v.5

1904

EDITED

By THOMAS McADORY OWEN, LL. D.

Secretary

VOL. V

Montgomery, Alabama:
PRINTED FOR THE SOCIETY
1906.

1740288

PUBLICATIONS

OF THE

Alabama Historical Society

TRANSACTIONS, VOL. V.

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OFFICERS, 1905.

PRESIDENT:

His Excellency, WILLIAM DORSEY JELKS, Governor, Montgomery.

VICE-PRESIDENTS:

DR. REUBEN HENRY DUGGAR, Gallion.
THOMAS CHALMERS MCCORVEY, Professor of History and Philosophy, University of Alabama.
COL. SAM'L WILL JOHN, Birmingham.
CHARLES COLEMAN THACH, LL. D., President Alabama Polytechnic Institute, Auburn.
PETER JOSEPH HAMILTON, ESQ., Mobile.
OLIVER DAY STREET, ESQ., Guntersville.
REV. STEWART MCQUEEN, Montgomery.
CLIFFORD ANDERSON LANIER, ESQ., Montgomery.
MRS. KATE HUTCHESON MORRISETTE,* Montgomery.

SECRETARY AND TREASURER:

THOMAS MCADORY OWEN, LL. D., Montgomery.

EXECUTIVE COMMITTEE:

THOMAS M. OWEN, *Chairman ex-officio.*
COL. MICHAEL LEONARD WOODS, Montgomery.
GEORGE PETRIE, PH. D., Professor of History, A. P. I., Auburn.
JOEL CAMPBELL DUBOSE, ESQ., Birmingham.
ROBERT TYLER GOODWYN, ESQ., Montgomery.
WM. HARDWICK RUTH, ESQ., Montgomery.
JOHN TALBERT LETCHER, ESQ., Montgomery.

There are no qualifications for membership. All persons interested in the work of the Society, and desiring to promote its objects, are invited to become members.

Donations, whether of money, or of books, papers and relics, are solicited.

There is no initiation fee. Annual dues, $2.00. All current publications free to members not in arrears.

Address all communications to the Secretary.

*Deceased.

AN ACT

To incorporate the Alabama Historical Society.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Historical Society of this State be and the same is hereby incorporated by the name and style of "The Alabama Historical Society."

Sec. 2. *And be it further enacted,* That the said corporation may take and hold real and personal property to the value of ten thousand dollars, may make a constitution and by-laws for the government thereof not inconsistent with the constitution and laws of this State, may sue and be sued, and do all other acts and things consistent with the object of the said corporation which any other corporation may or can do; but shall not exercise banking privileges or emit notes, bonds or bills to circulate as money.

Approved, February 5, 1852.

Acts, 1851-52, p. 288.

CONSTITUTION.

Adopted at the annual meeting, Dec. 22, 1903.

ARTICLE I.—NAME.

1. The name of this Society is "The Alabama Historical Society."

ARTICLE II.—OBJECTS.

2. The object of the Society is to discover, procure, preserve and diffuse whatever may relate to the natural, civil, literary and ecclesiastical history of the State of Alabama, and of the States in connection with her.

ARTICLE III.—MEMBERS.

3. Any person interested in promoting the objects of the Society is eligible to membership.

4. There shall be three classes of members: (1) active members, who are liable to dues, and in whom is vested the exclusive control of the affairs of the Society; (2) corresponding members, who must be non-residents of Alabama; and (3) honorary members, embracing persons distinguished in historical, literary or scientific attainments.

ARTICLE IV.—OFFICERS.

5. (1) The officers shall be a president, nine vice-presidents, a secretary and a treasurer (which two offices may be filled by one and the same person,) and an executive committee to consist of six members and the secretary, who shall be *ex-officio* chairman. (2) They shall be elected at the annual meeting, and shall serve for one year. (3) Their duties and powers shall be such as usually pertain to their positions, except as hereinafter provided. (4) Vacancies shall be filled by the executive committee.

6. The executive committee shall have the following powers and duties: to elect members, to regulate the time and place of monthly or other special meetings, to arrange and provide programs for all meetings, to regulate the expenditure of the funds of the Society, to regulate and fix the duties and compensation of officials or employees, to direct and provide for the publications of the Society, and shall have all other necessary general control and supervision of its work.

7. (1) There shall be the following standing committees of seven members each to be appointed annually by the president, viz: on monuments, collections and relics, marking historical sites, Confederate history, genealogy, church history, the teaching of history, and memoirs of deceased members. (2) All committees shall report in writing to the annual meeting on the work projected and accomplished by them during the preceding year.

ARTICLE V.—MEETINGS.

8. (1) An annual meeting of the Society shall be held in the city of Montgomery during the month of December at such particular time and place as may be directed by the executive committee. (2) At this meeting in addition to any other business or exercise which may be provided, the annual election of officers shall take place, and annual reports by the secretary, the treasurer, the executive committee and other standing committees shall be made.

9. The executive committee may provide for monthly meetings or for any other meetings which it may deem important in the work or for the good of the Society.

10. At the meetings of the Society not less than five members shall constitute a quorum for the transaction of business.

ARTICLE VI.—DUES.

11. Annual dues shall be two dollars, payable prior to December 31 in each year.

12. The payment of twenty-five dollars at one time shall entitle a member to active life membership, exempt from further dues or charges.

13. Any member in arrears for dues for six months, shall be given thirty days notice through the post office, and unless the same shall in said period be paid, his name shall be dropped from the roll, and in no case shall it be restored until all arrearages are paid.

14. Members not in arrears for dues shall be entitled to all current publications free of other or further charge.

ARTICLE VII.—AMENDMENTS.

15. This constitution may be amended at any annual meeting by a three-fourth's vote of the members present, *provided,* the proposed amendment shall have been submitted in writing to a meeting of the Society at least sixty days prior to the annual meeting, or in lieu of said notice shall have received the unanimous approval of the executive committee.

CONTENTS.

		Page.
	Half title,	1
	Title,	3
	Preface,	5
	Officers, 1905,	7
	An Act to Incorporate the Alabama Historical Society,	8
	Constitution of the Society,	9
	Contents,	11
I.	Proceedings of the Annual Meeting, Jan 13, 1905,	13
II.	Necrology, by *Thomas M. Owen,*	23
III.	Historical Interpretation, by *Dr. Russell M. Cunningham,*	33
IV.	The Alabama Legislatures of 1857-8 and 1859-60, by *Sutton S. Scott,*	43
V.	Henry Tutwiler, and the Influence of the University of Virginia on Education in Alabama, by *Thomas C. McCorvey,*	83
VI.	John Archibald Campbell, by *George W. Duncan,*	107
VII.	Ante-Bellum Southern Commercial Conventions, by *Wm. W. Davis,*	153
VIII.	The Nashville Convention of 1850, by *Dallas T. Herndon,*	203
IX.	Alabama and the Charleston Convention of 1860, by *James L. Murphy,*	239
X.	Personal Recollections of Thomas Hord Herndon, by *Sutton S. Scott,*	267

PART I.—PROCEEDINGS OF THE ANNUAL MEETING OF THE ALABAMA HISTORICAL SOCIETY; AND HISTORICAL PAPERS.

MONTGOMERY, ALABAMA, JANUARY 13, 1905.

I. PROCEEDINGS OF THE ANNUAL MEETING FOR 1904, HELD JANUARY 13, 1905.

The regular annual meeting of the Alabama Historical Society for 1904 was held on the evening of January 13, 1905, in the assembly room of the Carnegie Library, Montgomery. The constitution directs that the annual meeting shall be held in the month of December. In order, however, to meet the wishes of Dr. R. M. Cunningham, and to bring together a larger gathering, the executive committee deemed it best to carry the date forward. Although the weather was very severe, there was a good attendance of members and visitors. Several out-of-town members were present.

ORGANIZATION.

At 8:30 o'clock p. m., the meeting was called to order by Rev Stewart McQueen, one of the Vice-Presidents, who presided during the session. The secretary, Thomas M. Owen, was in attendance. In taking the chair Mr. McQueen spoke briefly of the importance of the work of the Society, as well as of the great value of historical research and studies.

An invocation was offered by Rev. Dr. G. W. Patterson, of the city.

COMMITTEES.

On motion of Dr. George Petrie, duly adopted, the presiding officer was required to name a committee of three to nominate officers for the ensuing year. The following were at once announced. Dr. George Petrie, *chairman*, George W. Duncan and Miss E. M. Bullock.

There were no reports from committees, but it was agreed, without objection, that any of the standing committees might file reports for publication in the *Transactions*.

OFFICIAL REPORTS.

Separate reports were read by Thomas M. Owen as Secretary and as Treasurer. They recited in detail the work of the Society

during the past year. Each report, after full discussion was adopted, and directed published in the proceedings.

ELECTION OF OFFICERS.

Dr. Petrie, as chairman of the committee on nominations made a report recommending the re-election of all of the present officers of the Society. The report was, on motion, unanimously adopted, and the Secretary cast the vote of the Society for the names of the officers recommended, after which they were declared duly elected.

(*For list see page 7.*)

PAPERS ANNOUNCED BY TITLE.

The Secretary announced sundry papers by title, prepared by Messrs. Sutton S. Scott, Thomas C. McCorvey, George W. Duncan, Wm. W. Davis, Dallas T. Herndon and James L. Murphy. He was instructed to publish the papers at length in the *Transactions* of the Society for the current meeting.

(*See infra for these papers.*)

ANNUAL ADDRESS BY DR. CUNNINGHAM.

Dr. Russell McWhorter Cunningham, lieutenant and acting governor of the State, was presented by the presiding officer. He was received with hearty applause. The subject of Dr. Cunningham's address was "Historical Interpretation." He dwelt in a masterly way upon the value of historical studies, and the importance of a correct interpretation of the lessons of the past.

RESOLUTIONS OF THANKS.

On motion of Mr. Wm. Hardwick Ruth, a vote of thanks was given Dr. Cunningham for his interesting and scholarly address.

On motion of Dr. Owen, the thanks of the Society were tendered the Carnegie Library and to the librarian, Miss Laura Martin Elmore, for the privilege of using the assembly room, and for courtesies incident to the session.

ENROLLMENT OF MEMBERS.

The following new members were enrolled: Miss J. Nicholene Bishop, Miss Laura M. Elmore, Wm. Watson Davis, Hervey W.

Laird, Dr. Russell McWhorter Cunningham, Wm. F. Feagin, Judge Wm. Holcombe Thomas.

ANNOUNCEMENTS AND ADJOURNMENT.

The Secretary made several announcements; and extended an invitation to the members and visitors to call at the rooms of the Department of Archives and History at the State capitol.

The meeting then, at 10.30 o'clock p. m., adjourned.

THOMAS M. OWEN,
Secretary.

Appendix to the Proceedings.

(1) SECRETARY'S REPORT, 1904.

A brief report of the doings and conduct of the office of the Secretary for the current year, 1904, is herewith submitted.

GENERAL OBSERVATIONS.

There is little of particular note to report in the work of the Society for the year just closed. There is a continued and healthy growth of interest in history in Alabama, but the part of our Society in its encouragement is only indirect. The absence of specific work has resulted in a condition of apathy, and yet in many ways our members are individually active. Of course the mere existence of our organization is in itself an important moral factor. Our most valuable activity for the future must be as an agency or medium for the publication of materials.

DEPARTMENT OF ARCHIVES AND HISTORY.

In previous reports has been presented a full account of the establishment, organization and growth of the Department of Archives and History. This new form of State activity not only continues to excite the sympathy and to enlist the co-operation of patriotic Alabamians, but has attracted the attention of students everywhere. The example set by Alabama was followed by similar legislation in Mississippi, and by intelligent agitation elsewhere.

It is exceedingly gratifying to report that the Alabama plan of administration was unanimously endorsed at the annual meeting of the American Historical Association, Dec. 30, 1904. The resolution, introduced by Dr. Albert Bushnell Hart, of Harvard University, is as follows:

"In view of the importance of a proper administration and direction of State aid in behalf of historical work and enterprise; be it

"*Resolved by the American Historical Association*, That the plan of administration in Alabama and Mississippi, through State Departments of Archives and History is hereby earnestly endorsed and commended."

PUBLICATIONS.

As indicated in my general remarks above, the publication of materials must be our principal future activity. For various reasons, fully known to you, our issues have not regularly appeared, but Vol. IV of our *Transactions*, which embraces all of our proceedings from the annual meeting of 1900 up to and including the annual meeting of last year, 1903, is now practically ready for delivery. It contains 639 pages, and will be the largest volume of miscellaneous historical material yet issued by a Southern society.

In earlier reports the necessity for a periodical publication was urged, but the time never seemed opportune for actually launching it. The importance of such a publication is again brought to your attention. It is respectfully submitted whether it will not be advisable for us to close our series of *Transactions* after vol. v, and begin, as soon as practicable the publication of a quarterly journal to be devoted to the publication of materials similar to what has been already put forth, and also a miscellaneous class of minor materials which have no way of appearing except in a periodical.

One circular only has been issued as follows:

Administrative Circular No. 11.—Officers, 1904; General Information: and Constitution. 8vo. pp. 4.

REPORT TO CARNEGIE INSTITUTION.

It is proper to note here that I made a careful and full report of the history and operations of the Society from its organization, July 8, 1850 to 1904, to the Carnegie Institution, Washington, D. C. This Institution is compiling a handbook of all literary and learned societies in the United States. It will be published as soon as completed, probably in the next three years. It will undoubtedly prove of great assistance as a reference work.

DEATH OF DR. WM. R. GARRETT.

Inasmuch as Dr. Wm. R. Garrett delivered the address before our Society at its annual meeting, June 19, 1899, I deem it proper to call attention to his death, which took place in Nashville, Tenn., Feb. 12, 1904. Dr. Garrett was one of the useful men of the day. He took a liberal and progressive view of affairs, and contributed in no small degree to the revival of interest in history in the South. He was a native of the Old Dominion, but removed to Tennessee in 1868, where he occupied a position of leadership in the educational field for more than thirty years. In 1895 he was appointed to the chair of American history in the Peabody Normal College, a position he held at his death, and in which he did so much in behalf of historical enterprise. In 1896 he began the publication of *The American Historical Magazine* in connection with his department. The April 1904 issue of that publication contains a valuable sketch, with portrait, of Dr. Garrett, prepared by Albert V. Goodpasture.

MEMBERS.

We have added only one member during the year. Our losses have been seven by death. A large number have been dropped for non-payment of dues. There has been no effort whatever to induce additions to our roll. It is hoped, however, that several names may be added during the annual meeting.

NECROLOGY.

The Society has lost during the year the following members, viz:

Joseph Pickens McQueen, Eutaw, Jan. 20, 1904.
Mitchell Alburto Porter, Birmingham, Jan. 24, 1904.
Joshua Hill Foster, Tuscaloosa, Feb. 28, 1904.
Charles Winston Thompson, Tuskegee, March 20, 1904.
James Collier Foster, Tuscaloosa, June, 1904.
William Augustus Walker, Birmingham, July 10, 1904.
Henry McCalley, University of Alabama, Nov. 21, 1904.

Suitable sketches will be prepared for our *Transactions*. They will not be exhaustive, but will present in outline the principal facts in the life of each. Mr. J. C. Foster was a member of the class of 1837, and at his death the oldest living graduate of the University of Alabama. Dr. Foster graduated two years later, 1839. The death of these men takes from our midst two of our most remote links with the past. But there is an added reason why we should mourn the death of the latter. Dr. Foster was one of the founders of our Society in 1850, and during his whole life he evinced an abiding interest in our welfare. In vol. iv of our *Transactions*, 1904, pp. 107-115, will be found his reminiscences contributed to our fiftieth anniversary. He was our first secretary, 1850 to 1852, in 1874 he was the moving spirit in the revival and reorganization of the Society, and on our last revival in 1898 he was a sympathetic adviser, friend and supporter. We owe him more than any other man ever connected with the organiza-

tion. His death is to me a personal loss and with his family, his church and his community, I mourn his departure.

Although not now on our rolls, as he was once a member, I deem it proper to make record here of the death of Hardy Foster Hill, at Tuscaloosa, Ala., April 26, 1901. He was born August 28, 1844 in Fosters' settlement, Tuscaloosa county, was the son of Thomas Jefferson and Marha (*Foster*) Hill, and the grandson of Hardy and Elizabeth Wyatt (*Hill*) Foster, the latter very early settlers in Tuscaloosa county. Mr. Hill was a man of worth, business character and integrity. He married (1) Leila Allen, and (2) Marie Wood.

All of which is respectfully submitted.

THOMAS M. OWEN,
Secretary.

(2) TREASURER'S REPORT, *Jan. 1—Dec. 31, 1904.*

The Treasurer respectfully submits herewith his annual report, viz:

Receipts.

1904.			
Jan.	1.	To amount of balance on hand from last report,	$194 47
Dec.	31.	To annual dues, collected 1904,	71 00

Expenditures.

1904.			
July	9.	Express, shipment to Harrisburg Pub. Co.,	70
Sept.	21.	Alabama Printing Company, printing Administrative Circular, No. 11,	$6 50
Sept.	24.	Alabama Printing Company, printing bill heads,	2 40
Dec.	19.	Express, shipment of Reprints of Vol. IV, *Transactions*,	19 20
Dec.	22.	Alabama Printing Company, printing letter heads,	1 00
Dec.	27.	Express, special shipment of Vol. IV, *Transactions*,	6 00
Dec.	31.	Western Railway of Alabama, freight on Vol. IV, *Transactions*,	25 65
Dec.	31.	Postage for use of the Society for 1904,	12 00
Dec.	31.	Amount on hand to balance,	192 02
			$265 47

The foregoing report has been examined and found correct in every particular.

EXECUTIVE COMMITTEE.

Montgomery, Ala., Jan. 13, 1905.

II. NECROLOGY.

By Thomas M. Owen, Montgomery

Foster, James Collier, was born May 12, 1818, and was the son of Hardy Foster and wife, Elizabeth Wyatt Hill. He was a double first cousin of Rev. Joshua Hill Foster, whose sketch follows the present one. He entered the University of Alabama in 1835 from Tuscaloosa county, where he resided, and was graduated in 1838 with the degree of A. B. In 1841 he received the honorary degree of A. M. He was a planter, and extensive slave owner. However, it is proper to note that he thoroughly prepared himself for a career at the bar, his preparation being received at the celebrated Harvard Law School, where he received his LL. B. degree. On May 31, 1842 he married Jane Elizabeth Ware, of Montgomery county, or more properly speaking from a portion of Montgomery now included in Elmore county. Mr. Foster was a citizen of sterling worth, and his life was full of good deeds. He took an ardent interest in the cause of education, and was a loyal alumnus of the State University. During the latter part of his life he had retired from active business life, and resided in the city of Tuscaloosa. He is survived by three children. He was a Democrat and a Baptist. He joined the Alabama Historical Society in the first year of its existence, and remained a member during his whole life.

Foster, Dr. Joshua Hill, died at his home in Tuscaloosa, Ala., Feb. 28, 1904. In his death the Society loses its oldest surviving member, one who assisted in the organization, July 8, 1850, and who was our first secretary. Dr. Foster never lost interest in us, and at our semi-centennial, June 18, 1900, he gave us a series of interesting reminiscences, covering fifty years. He had a long and useful career, and was greatly loved all over Alabama. He was a minister of the gospel anl a teacher. His literary work was extensive, and the publications of the Baptist denomination in Alabama contain many sermons and reports by him on religious topics. He edited the *Transactions* of the Alabama Historical

Society, 1851, the *Constitution* of the Society, 1850, and contributed a sketch of Rev. Henry F. Buckner to the Alabama Historical *Reporter,* January 1884. A paper by him, urging the revival of the Historical Society, appears in the *University Monthly,* March 1874; while his reminiscenses are to be found in the *Transactions,* vol. iv, p. 107 et seq. He contributed a paper on "Sun Dogs" to the *Birmingham Age Herald,* April 6, 1890. In 1902 he published in pamphlet form a *Brief record of one branch of the Fosters in America* (8vo. pp. 10.) He was a member of several learned societies. It is hoped that later a full and adequate study of the life and work of Dr. Foster may be prepared.[1]

The following detailed sketch is taken fom the *Tuscaloosa Times-Gazette,* March 1, 1904:

"In the death of Dr. Joshua H. Foster, which occurred at his residence on Sunday morning, February 28, 1904, Tuscaloosa has sustained a great loss. There is no estimating the value of his life to this community and to the state, for his reputation was not confined to this place nor to this section.

"Although so advanced in years Dr. Foster enjoyed ordinarily the most robust health. He was very active and energetic, but since his attack last year he has not been strong, in fact was not able to leave the house very often. The attack of pneumonia, which caused his death came upon him something over a week ago and for a few days it seemed he would be able to conquer it. But it was God's time to call him home and in the early hours of the Lord's Day, that he always loved so well, he entered into rest.

"Dr. Foster was a member of a large family and had a wide connection but beyond this circle even he was universally esteemed and there are many who feel his death keenly.

"He was one of the oldest residents of this county and perhaps of the state, as he was born in this county March 17, 1819. He was the son of James Foster and Mary Ellen Hill. James Foster was the first of four brothers who came to Alabama from Georgia in the early part of the century. They were the sons of John Foster, a Virginian and a revolutionary officer, who with his father and three brothers was at the surrender at Yorktown. Shortly after the Revolution John Foster settled in Columbia Co.,

[1] *Northern Alabama Illustrated,* pp. 526, 529, 543; *Notable Men of Alabama,* pp. 271, 272; and *Memorial Record of Alabama,* vol. ii, p. 1097.

Georgia, twelve miles north of Augusta. For twenty-four years he was in the Georgia legislature and was in the Senate several terms.

"James Foster, his son, came from Georgia to Tuscaloosa and settled close to where Hull station now is in 1818, remaining there a couple of years and then moving over into Foster's Settlement, which was named for himself and brothers. He was joined in 1820 by his brother Hardy (the father of Col. J. Collier Foster) in 1822 by another brother, Gen. Robert Foster, (father of the late Maj. J. M. Foster) and ten years later John L. S. Foster (father of the late Dr. David L. Foster) came out. There was another brother, Judge Arthur Foster, who lived here and their mother also moved here from Georgia after the death of her husband.

"Dr. Joshua H. Foster was the son of the oldest of these brothers, who contributed so much to the making of Tuscaloosa and Alabama. He was one of the largest land holders in this section and near his plantation Dr. Foster was reared and received his earlier education.

"Dr. Foster entered the University in 1836 and was graduated in 1839. He was the last surviving member of his class and next to the oldest living graduate, the oldest being his double cousin Col. J. Collier Foster, who was graduated with the class of '38. He immediately went to teaching and was tutor of mathematics at the University from 1844 to 1845 from 1849 to 1850. He was one of those who contributed largely to the establishment of the Central College, of which he was a co-principal from 1869 to 1871 and president from 1871 to 1873. He was a member of the Board of Trustees of that institution from its inception and for many years prior to his death president of that body.

"He was professor of Moral Philosophy at the University of Alabama from 1873-1875 and professor of Natural Philosophy and Astronomy from 1876-1892.

"He was one of the most active workers and strongest pillars the Baptist denomination has ever had. He was one of the organizers of the Baptist State Convention, which body made him a Life Member many years ago and he was one of the founders of the Southern Baptist Convention.

"He entered the ministry himself at the age of 34, being ordained March 18, 1853. He was Pastor of the Tuscaloosa Bap-

tist Church that year and the next and after that was pastor of the Northport Church. He served the Northport Church and several churches in the country at various times extending from 1855 to 1880.

"He was the patriarch of the Tuscaloosa Baptist Church and on many occasions he bore its burdens as only such a zealous and sweet spirited servant of God could. No pastor was ever jealous of his influence, and he was the one man to whom all officers and members looked for guidance and for whom they felt the deepest love and veneration. His influence was by no means local and his loss to the Baptists of Alabama is incalculable.

"He being dead yet speaketh, however, and his own beautiful life will be an inspiration and an uplift to many a discouraged worker in the vineyard of the Master for years to come. And in the sons and daughters who survive him he has left a rich legacy to his state.

"Dr. Foster was twice married. His first wife was Miss Lucy Billingslea, to whom he was married in what is now Elmore County on December 28, 1843. One daughter, Mrs. J. M. Dill, of Bessemer, survives of this union. He was married on February 24, 1853 to Miss Francis Cornelia Bacon, an aunt of Senator Bacon of Georgia. This sweet and gracious woman survives him, and the following children: Prof. Sumner B. Foster, Superintendent of Public schools at Orange, Tex., Prof. J. H. Foster, pastor of Parker Memorial Church, Anniston, Judge Henry B. Foster, Judge of the Tuscaloosa County Court, Prof. Edwin H. Foster, assistant professor of English at the University of Alabama, Prof. C. C. Foster, professor of mathematics in the Waco, Texas High School, and Miss Ellen Foster of Tuscaloosa. One grandson, Thomas, is the son of Thomas J. Foster, who died a number of years ago.

He leaves also two brothers, Messrs. J. Luther Foster and E. Collier Foster and one sister, Mrs. Rebecca Hodges.

"Personally Dr. Foster was most popular. He was a successful planter for many years and he had a wonderful knowledge of the practical affairs of life.

"His church has lost a concentrated and a bright light, the state a splendid educator, this community a pure and valuable citizen,

his family a devoted husband and father and many a person in all ranks of life a faithful friend.

"The funeral services occurred from the Baptist Church, yesterday morning at eleven o'clock and were attended by an immense concourse of sorrowing friends. The services were conducted impressively by Pastor L. O. Dawson, assisted by Dr. B. F. Giles. In the brief remarks he made Mr. Dawson said he would defer a more extended address until next Sunday when he desired to speak of the lessons to be drawn from the life of Dr. Foster. The faculty of the University attended in a body and the Central College pupils also occupied a tier of seats together.

"The interment was in Evergreen Cemetery. The floral tributes were numerous and exceedingly handsome, many large designs being sent by organizations and institutions, religious and educational of which he was a friend or member.

"The pallbearers were: *Honorary*—Prof. W. C. Richardson, Judge B. H. Williams, Gen. Geo. D. Johnson, Mr. J. H. Fitts, Dr. W. S. Wyman, Prof. W. A. Parker, Mr. J. J. Alston, Dr. George Little. *Active*—Prof. T. W. Palmer, Col. T. C. McCorvey, Dr. B. F. Giles, Messrs. F. S. Moody, J. S. Yerby, W. F. Fitts, W. C. Harris and Judge J. J. Mayfield."

McCalley, Henry, born near Huntsville, Madison county, Ala., Feb. 11, 1852, was the son of Thomas Samford and Caroline Matilda (*Lanford*) McCalley, the grandson of Charles Spicer and Martha (*McKinney*) McCalley and of Robert and Ann Catherine (*Bergstiner*) Lanford, and the great-grandson of John McCalley, a native of Scotland and a Revolutionary soldier, whose wife was a Samford.[2] The McCalley family resided in Spotsylvania county, Va.; and the Bergstiners were Hollanders who early settled in Georgia and thence moved to South Carolina. Robert Lanford came from Virginia to Madison county in 1807, and it is said that he built the second house in Huntsville Mr. McCalley was educated under the tutelage of Mrs. McKay, Dr. J. M. Bannister, Charles Shepard and Dr. Carlos G. Smith.

[2] Sketch by Dr. Eugene Allen Smith in *The American Geologist*, April, 1905, portrait; Owen's "Bibliography of Alabama," in *Report* of the American Historical Association, 1897, pp. 1028-29.

He received his collegiate training in the University of Virginia, from which he was graduated in 1876 with the degrees of C. E. and M. E. In 1879 he received the honorary degree of A. M. from the University of Alabama. After graduation he spent a year on a farm, and then followed a year in the school room at Demopolis, Ala. In 1877 he entered the service of the State Geological Survey of Alabama as a volunteer assistant, and in 1883, on the enlargement of appropriations, he became assistant State geologist, a position he held for twenty-one years. From 1878 to 1883 he was assistant in the department of chemistry at the University of Alabama but spent much time in geological work. The publications of the State Geological Survey bear evidence to the extent, thoroughness and high character of the investigations and writings of Mr. McCalley. He was imbued with a keen appreciation of the conspicuous position of Alabama in the richness of material resources, and he lost no opportunity of bringing them to the attention of promoters and builders. He was a Democrat, and an Episcopalian. He was never married. He was a member of the American Association for the Advancement of Science, fellow of the Geological Society of America, member of the Institute of Mining Engineers, and secretary of the Alabama Industrial and Scientific Society. He died at the University of Alabama Nov. 21, 1904. His membership in the Alabama Historical Society dates from June 19, 1899.

McQueen, Joseph Pickens, born in Eutaw, Greene county, Ala., June 22, 1854, was the son of Gen. John and Sarah Elizabeth (*Pickens*) McQueen, the grandson of James and Ann (*McRae*) McQueen, and of Col. Joseph and Caroline (*Henderson*) Pickens, and the great-grandson of Gen. Andrew Pickens, of Revolutionary fame.[3] James McQueen and wife were Scotch emigrants to Robeson county, N. C., the former being a nephew of Flora McDonald and a lineal descendant of Robert Bruce. Their son, Gen. John McQueen was a lawyer of distinction in S. C.; was for fourteen years in the U. S. House of Representatives; and a

[3] *Memorial Record of Alabama*, vol. i, p. 1049, vol. ii, p. 298; Smith and DeLand's *Northern Alabama Illustrated*, p. 198; *Proceedings* at unveiling of the battle monument in commemoration of the battle of Cowpens (1896), pp. 107-113; Lanman's *Dictionary of Congress* (1859), p. 330; and *Notable Men of Alabama* (1904), vol. ii, p. 101.

member of the first Confederate congress, 1862-64. Joseph P. McQueen received his education in the private and common schools of South Carolina. After the death of his father he accompanied his mother to Alabama in 1870. Entering the office of Chancellor James B. Clark, with great enthusiasm he prepared himself for the practice of the law. After admission to the bar, in 1875, he was associated at different times with Messrs. T. C. Clark and Wiley Coleman, at Eutaw. At the time of his death, Jan. 20, 1904, he was enjoying a large practice and was a leader in his profession. He was also an extensive planter. In politics he was a Democrat, served six years as chairman of the Democratic executive committee of Greene county, and for many years as a member of the State Democratic executive committee. He was a member of the Alabama house of representatives, 1884-85. He was a member of the Protestant Episcopal Church, and long served as a vestryman. He was a mason of high standing. His wife was Roberta, daughter of Robert and Anna (*Parker*) Kirksey, of Marengo county, to whom he was married at Eutaw, Dec. 7, 1875. To them have been born six children: Anna Parker, John Douglass, Sarah Pickens (dead), Joseph Pickens, Robert Kirksey, and Mary Kirksey. Mr. McQueen was elected to membership in the Alabama Historical Society, June 17, 1885.

Porter, Mitchell Alburto, born in Elyton, Jefferson county, Ala., Aug. 17, 1859, was the son of Judge Mitchell Thomas and Catherine J. (Martin) Porter, the grandson of Dr. Mitchell Askew and Mary (*Wade*) Porter, and of Col. John and Sarah (*Kilpatrick*) Martin, and the great grandson of Mitchell Porter and of Louise Daniel Martin, both of whom were Revolutionary soldiers.[4] The Porter family were from Virginia, and the Martins were of French origin, early seated in South Carolina. Col. John Martin was born in Pendleton district, S. C., in 1791, was in the war of 1812, settled at Elyton, Ala., in 1818, and was a member of the house of representatives from Jefferson county in 1826. Dr. Porter was an early physician of Montevallo, Ala. Judge Porter was a gallant Confederate soldier, and attained the rank of lieutenant-colonel of the 20th Alabama infantry regiment, was

[4] Brewer's *Alabama*, p. 292; Teeple and Smith's *Jefferson County*, p. 363; and *Memorial Record of Alabama*, vol. ii, p. 317.

judge of probate of Jefferson county, 1884-1898; and is now (1904) retired. M. A. Porter was educated in the schools of Elyton; and in 1881 took his degree of LL. B. at the University of Alabama. In that year he located in Birmingham for the practice, being associated with his father; in 1884 he became a member of the law firm of Hewitt, Walker and Porter; and in 1895, of Walker, Porter and Walker. He was a member of the Alabama house of representatives from Jefferson county, 1888-1889. He was a Democrat, and was for some years a member of the State executive committee. He was a man of wide popularity, and enjoyed the confidence and esteem of his constituency in a remarkable degree. He was a member of the Church of the Advent in Birmingham, and served at one time as a vestryman On Dec. 21, 1886, at Tyler, Tex., he was married to Hattie, daughter of Samuel Lowndes and Marie (*Wren*) Earle and granddaughter of Dr. Samuel S. and Harriet (*Wright*) Earle, the last named being one of the early physicians of Jefferson county. No children. About 1900 Mr. Porter's health gave way, and he was an invalid until his death Jan. 24, 1904. He is buried in Birmingham. He became a member of the Alabama Historical Society, April 13, 1899.

Thompson, Charles Winston, born Dec. 30, 1860, in Tuskegee, Macon county, Ala., was the son of William P. and Mary W. (*Jordan*) Thompson, and grandson of Alfred Thompson, a pioneer farmer of Macon county, and of William and Mary Jordan, of Fort Decatur, Ala., but originally from near Appomattox, Va.[5] William P. Thompson was a Confederate soldier, serving as a private in the 43rd Alabama infantry regiment. The education of C. W. Thompson was received in the common schools of Macon county, the Park high school in Tuskegee, and the Bryant and Stratton business college of Louisville, Ky. At the age of eighteen he took charge of his father's business, which he managed with skill until 1891. This year he founded the bank of Tuskegee. His career in mercantile, plantation, bank and business life was a marked success. He served as superintendent

[5] *See* the several editions of the *Congressional Directory*, and also the *Memorial Record of Alabama*, vol. ii, pp. 453-454; *Alabama Official and Statistical Register*, 1903, p. 27, and *Notable Men of Alabama*, vol. ii, pp 191-192, portrait.

of education of Macon county 1886 to 1888. In 1896 he was appointed a lieutenant-colonel on the staff of Gov. Joseph F. Johnston. In 1898 he was chosen without opposition to the State senate from the 26th district. Before his term expired he was elected to the U. S. house of representatives in the 57th congress after a memorable campaign. Although his candidacy was fiercely contested he was re-nominated and re-elected to the 58th Congress. Before his Congressional campaigns he had never made a political speech. In Congress he held assignments on the war claims and the currency and banking committees He was a leader in the Democratic party councils, and was chairman of the Macon county executive committee, 1887-1901. He was a member of the Methodist Episcopal Church, and a Knight of Pythias. At Tuskegee, April 20, 1880, he was married to Estelle, daughter of William and Mary J. Alley. They had several children, two of whom now (1904) survive. In the prime of life and usefulness he was stricken with pneumonia in Washington, D. C., and on March 20, 1904, he passed away. Col. Thompson joined the Alabama Historical Society, Oct. 13, 1899.

Walker, William Augustus, born at his father's home near Elyton, Jefferson county, Ala., Jan. 7, 1846, was the son of William A. and Corilla M. (*Porter*) Walker, the grandson of Richard Bly and Anne (*Flanigan*) Walker and of Dr. Mitchell Askew and Mary (*Wade*) Porter, and great-grandson of Thomas and ——— (*Bly*) Walker and of Mitchell Porter, a Revollutionary soldier.[6] The Porters and Wades were from Virginia. The Walkers, Flanigans, and Blys were Scotch-Irish families, and resided in Mecklenburg county, N. C. Richard B. Walker located in the western portion of Jefferson county, Alabama, in the twenties, and there he died and was buried. He was a Methodist, and Walker's chapel bears his name. William A. Walker, Sr., was a successful merchant and business man. William A. Walker, Jr., received his preparatory training in the common schools, and in his sixteenth year entered the University of Alabama. He closed his college career in 1863, in which year he enlisted as a member

[6] *Memorial Record of Alabama*, vol. ii, p. 340, portrait; *Notable Men of Alabama*, vol. ii, p. 98, portrait; *Northern Alabama Illustrated*, p. 761, portrait; and Teeple and Smith's *Jefferson County*, pp. 328, 538.

of Capt. C. P. Storr's company of cadets, 7th Alabama cavalry, C. S. A. He remained in the service until the close of hostilities, having reached the rank of sergeant. He was at one period a prisoner of war. The war over, he returned to Elyton where he became a school teacher for eight months. In the meantime he read law, and was admitted to the bar in 1867. He at once formed a partnership with Burwell Boykin Lewis and Rufus W. Cobb both of whom in later years came to high official position in the State. His association with them fitted him early for the large field in which he was in after years to be thrown. In 1870 he joined G. W. Hewitt in the practice, and together they remained for more than twenty-five years, the firm being at all times the acknowledged head of the legal profession in Jefferson county. From 1868 to 1875 Mr. Walker was county solicitor. He was a member of the house of representatives from Jefferson county, 1876-79. Excepting these two positions he never sought or held office, but devoted himself unremittingly to his profession. However, he took a wide interest in business affairs in the rapidly growing mineral region, and held several positions such as bank president, director, and corporation counsel. Mr. Walker took easy place in the very front rank of successful lawyers and men of affairs. He was painstaking and methodical, and at the same time possessed a genius for the law which might be termed of the first order. He was a profound student of human nature, was always ready, and before a jury was well-nigh invincible. At the same time he was equally at home in the most intricate chancery litigation. Mr. Walker was pre-eminently a public-spirited citizen, sharing in all of the community burdens, and aiding in all worthy enterprises. He was a Democrat, and a leader in the party councils. He was a member of the Methodist Episcopal Church, South. He was married at Elyton, Aug. 23, 1870, to Virginia F., daughter of Judge William S. and Florence (*Earle*) Mudd, and granddaughter of James Mudd and Dr. Samuel S. Earle, both early settlers of Jefferson county. To them were born four sons and two daughters. Mr. Walker died July 10, 1904. He became a member of the Alabama Historical Society July 25, 1899.

III. HISTORICAL INTERPRETATION.[1]

By Dr. Russell M. Cunningham,[2] Ensley, Ala.

From primitive man and his initial efforts to present man and his great achievements extend the limits of human experience. So much of this experience as has been recorded by the various methods of the historian's art constitutes history. The explanation and interpretation of the various factors contributing to this history constitute the philosophy of history. Historical facts are the indices to the philosophy of history. A knowledge of these

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[1] Annual address delivered before the Society at its meeting. January 13, 1905, (1904 meeting postponed), in the assembly room of the Carnegie library, Montgomery, Ala.

[2] Dr. Russell McWhortor Cunningham, of Ensley, Jefferson county, was born August 25, 1855, at Mt. Hope, Lawrence county and is the son of Moses Cunningham, a native of Tennessee, who resided in Lawrence county, and his wife Nancy Caroline Russell. His family were among the very earliest settlers in the Tennessee Valley. His education was received in the common schools of the county. In 1874 and in 1875 Mr. Cunningham attended the Louisville Medical College. In 1878 and 1879 he attended Bellevue Hospital Medical College, New York, where he was graduated. He has lived and practiced medicine at Newburgh, Wetumpka, Pratt city, and Ensley. In the literature of his profession Dr. Cunningham has written for medical journals and societies various articles and papers, notably upon "Croupous Pneumonia," "Tuberculosis," "Morbidity and Mortality of Negro Convicts," "The General Practitioner in Gynecology," "The Relation of the Cause to the Prognosis and Treatment of Fracture," etc. He has been president of the Medical Association of Alabama, president of the Jefferson County Medical Society, president of the Tri-State Medical Association (Alabama, Georgia and Tennessee), and in 1895 was orator of the Medical Association of Alabama. He is now professor of principles and practice of medicine in the Birmingham Medical College. In professional work Dr. Cunningham has been physician and surgeon for the Tennessee Coal, Iron and Railroad Company at Pratt Mines prisons; for the Alabama Steel and Ship Building Company and the Ensley division Tennessee Coal, Iron and Railroad Company at Ensley. At the latter place he maintains a private infirmary. Dr. Cunningham organized; and was master of Florida Lodge, No. 450, F. & A. Masons for five years, from 1885; was organizer and high priest for two years of Pratt City Chapter 108, R. A. M.: was eminent commander of Cyrene Commandry, No. 10, Knights Templar, for two years: potentate of Zamora Temple A. A. Or. M. S. one year; and Grand Commander Knights Templar one year. For a number of years he was a member of the committee on work in the Grand Lodge F. & A. M. of Alabama, and for two years was chairman of that committee. He was for two years in each position of junior warden, senior warden, deputy grand master in the grand lodge, and was elected grand master in 1900, serving until

facts without knowing the circumstances and causes under which they were made is like reading the index of a book and not reading the text. A knowledge of the facts of history is necessary to a study of the philosophy of history, because, were the facts not known, then there could be of course no interpretation. But it is undoubtedly true that a knowledge of the contributing causes that make history, the source of these causes and their methods of operation is far more important to the human race than an unexplained knowledge of the facts. Therefore, the lessons of history that redound to the benefit of mankind are to be found more in its philosophy than in its narrative. Man, the individual, has been characterized by procreation and death, growth and decay. The sub-divisions of the earth determined, as a rule, by the relations of water and land, have been discovered, subjugated and settled by man. The mind of man has been developed, educated and trained, the soul of man has had its religions, its faiths and its hopes. Men in their organization have evolved from the simple family relationship to the great aggregates of nations, governments and civilizations. In this way nations, kingdoms, empires, dynasties and republics have risen, flourished and fallen. Various systems of morals and ethics have evolved, influenced and died. In all of these, man has been the chief agent and instrumentality. Therefore, the history of the world is the history of man. The present is the summit of human history and the basis of the future. A collective judgment of the growth and decay of man in all his relations has been that of progress and towards a higher

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December, 1902. Dr. Cunningham has enjoyed the unique distinction of being grand master of Masons and grand commander of Knights Templar of Alabama at the same time. Coincident with these social distinctions and professional labors, Dr. Cunningham has been active in political life. He represented Franklin county in the general assembly, 1880-81, was senator from Jefferson county, 1896-1900, and was chosen president of the senate in 1898. He was nominated to the proposed constitutional convention of 1899, and was a delegate to the constitutional convention of 1901 from the district of Jefferson. He has been president of the school board of Ensley. He was elected the first Lieutenant-Governor under the new constitution in November, 1902, for a term of four years, defeating Charles P. Lane, Republican candidate, of Huntsville. In the absence of Gov. William D. Jelks from the State, owing to prolonged illness, Dr. Cunningham was acting governor of Alabama from April 1904 to March 18, 1905. He is a Baptist, and a Democrat. On August 13, 1876, he married Sue L., daughter of Judge J. F. Moore, of Franklin county. He has one son, Dr. Moses Cunningham, who is associated with him in the practice.—EDITOR.

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and better life. This conception augurs an optimistic future. There have been, of course, a great many ups and downs, but taken together, the general direction has been more upward than downward.

As to the purpose of history, Herodotus says: "It is to preserve from decay the remembrance of what men have done." Thucydides says: "History will be found profitable by those who desire an exact knowledge of the past as a key to the future, which, in all human probability, will repeat or resemble the past." Tacitus says: "This I regard as history's highest function: To let no worthy action be uncommemorated and to hold out the reprobation of posterity as a terror to evil words and deeds." Thus spoke the triumvirs of ancient Greek and Roman history. As a criticism of Tacitus, I quote Pliny, "I augur," says he, "nor does my augury deceive me, that your histories will be immortal; hence all the more do I desire to find a place in them." Gibbon speaks of Tacitus as the "first of historians who applied the science of philosophy to the study of facts."

That all that purports to be history is not true all will admit; that much of the error in history is attributable to the personal equation of the historian, his prejudice, bias, etc., and to erroneous methods and false points of view cannot be denied,—hence one of the first duties of the student of history is to separate the chaff from the wheat. As an illustration of the bias of the historian, compare Carlyle and Clarendon on the character of Cromwell. Of him, Carlyle says: "A great light, one of our few authentic solar luminaries, going down now amid the clouds of death, like the setting of a great, victorious, summer sun; its course now finished. Here is a life battle nobly done. Blessed are the dead that die in the Lord; blessed are the valiant that have lived in the Lord." Of him Clarendon says: "In a word, as he had all the wickedness for which damnation is denounced and for which hell-fire is prepared, so he had some virtues which have caused the memory of some men in all ages to be celebrated; and he will be looked upon by posterity as a brave, bad man." In criticizing these opinions, Professor George Park Fisher, who in 1898 was President of the American Historical Association, after quoting Clarendon, says: "All know how this prophecy has been verified." Mr. Froude says of King Henry VIII, "Far deeper blem-

ishes would be but scars upon the features of a sovereign who in trying time sustained nobly the honor of the English name and carried the commonwealth securely through the hardest crisis in its history." Macaulay says of King Henry VIII, "A king whose character may be best described by saying that he was despotism itself personified." In determining the bias and prejudice of historians, one must for the time being live in the times in which he wrote. No historian will deny that Socrates was a great philosopher, one of the greatest of the world and a martyr to his convictions. Yet we are told that he advised the courtesans how to ply their trade. Tried by our own standard of morals, precept and example, such conduct was very reprehensible, but by that of the Greek in that day, it was not so regarded. In the narrative of ancient wars, where the conqueror was given power over the persons of the conquered to subject them to his own service or to take their lives, it made the conquerors, measured by our criteria, terrible personages, but in the light of that period it was considered proper and right. And herein lies a function of the philosophy of history, to explain by the process of the evolution of ethics the change of public sentiment upon all the questions. Prior to the invention of letters, characters and other methods of preserving any records of the acts of men, history must depend upon science. In this way, the sciences of geology, archæology, palæontology, biology, philology, etc., throw a great deal of light upon the flora and fauna, their habits, conditions, etc., which, of course, includes man during the prehistoric ages. Speaking of this method of study, a geologist has said, "Rocks do not lie but men do." In making a record of the acts of men, many errors recorded for the truth with the intention of deceiving no doubt exist. There are many more errors, however, which are due to failure to observe the facts, or error in deduction. It is not always easy to determine the honesty and sincerity of men living, much less so the dead, whether the dead be writers or those written about. We do not expect to gather grapes of thorns or figs of thistles, but if the thistle and thorn had the skill of the human being they might adorn themselves in the foliage of the fig and grape and pin these fruits upon their needles and thus pass as a true grape-vine and fig tree before the careless observer. Again, the historian's point of view may be from the standpoint of

theology or of natural cosmogony. In 1668, Wm. Stoughton, in speaking of the immigrants to this country, said, "God sifted a whole nation that He might send this grain over into this wilderness." Two hundred years later Charles Darwin said: "There is apparently much truth in the belief that the wonderful progress of the United States, as well as the character of the people, are the results of natural selection; for the more energetic, restless, and courageous men from all parts of Europe have migrated during the last ten or twelve generations to that great country and have there succeeded best." The same scientist said: "Looking to the distant future, I do not think it an exaggerated view to say that all other series of events—as that which resulted in the culture of mind in Greece and that which resulted on the Empire of Rome—only appear to have purpose and value when viewed in connection with or rather as subsidiary to, the great stream of Anglo-Saxon emigration to the West."

The historian who exhibits the theological criterion of history will necessarily differ from the historian who exhibits the natural sciences. It is, therefore, necessary that in passing upon the value of all history we must consider the historian not only in his personal interest, but also his points of view and his environment, physical, social and ethical. A historian who is honest, sincere, painstaking, unprejudiced, fair, and a seeker after truth only is perhaps a rare specimen of the human race, but that such have existed and that, too, in sufficient numbers to give us a fair index to the philosophy of history is undoubtedly true.

The purpose of this address is not to criticize any school of historians or any particular historian. To endorse or condemn any special or particular history or histories, submitting the predicate above written as to the character of the historian, I shall leave to others better qualified to point them out. Believing as I do, that if the present would regard the lessons of the past and in these they will find a mirage of the future and that the explanation or interpretation of the facts of the past is of greater importance than the facts themselves, that man as an individual and in his corporate relations may be guided and directed to his future conduct by the truthful interpretation of the facts of history, I have chosen for my subject "The Importance of the interpretation of History." It is an old say-

ing that history repeats itself. The interpretation of this is that like cause, operating under like conditions, and with like instrumentalities, will produce like results. If, therefore, we know in a given era of the past what these causes were, the circumstances under which they operated, the instrumentalities employed and the results which followed, we cannot help but conclude that if such causes, circumstances and instrumentalities existed at the present, like results will certainly follow in the future. To study the rise of any nation or government, we learn the causes, circumstances and instrumentalities that are constructive in results; to study the decline and fall, after learning the causes, circumstances, instrumentalities, etc., attending this decline and fall, we learn those that are destructive in their results. In this way, we may study the rise and fall of Egypt, Chaldea, Assyria, Babylonia, Persia, Greece, Carthage, Rome and the Empire of Charlemagne, and the various dynasties of modern times. Therefore, if we find in our day and generation, in our own State and nation, a predominance of the constructive influences, we may know that we are progressing. On the other hand, if there is a predominance of the destructive influences, we are retrograding. In interpreting the facts of history, we must bring to bear upon them the modifying influences of nature, race, standards of morality, religion, culture, industry, science, commerce and art. These may be divided into three great classes,—the physical, the intellectual and the social. That physical environment, such as altitude, latitude, climate, natural resources, etc., plays a primary and fundamental part in determining man's destiny is testified to by the influence of these upon commercial character and the distribution of peoples throughout the earth into nations, communities, etc. That these physical conditions also primarily determine the industrial and economic interests of a people is also true and that growing out of these facts, the political principles and policies as to the economics of government also grow; hence it is the importance of the natural and physical sciences as guides in the interpretation of the facts of history. The intellect is the presiding genius over all. Primarily, there is a great difference in the inherent power of men among different races and individuals. Whether this was always so or whether it is the result of the operation of causes which through the instrumentality of heredity

have produced a greater potentiality of mind, I will not discuss. The degree of cultivation of the mind by education determines the acquired potentiality of the mind. The two together, the inherent and the acquired, constitute the grades of intellect. Therefore, in interpreting the facts of history we must bring to bear upon them the intellectual power of the people concerned. The social relation embracing, as it does, the relation of man to his fellow in government, in religion, in politics and in society and in all other human relations must also be considered. These relations, of course, have always differed and differ to-day in different parts of the world and in determining their influence in making history, we must understand these relations in detail. For the facts of all these, we must depend upon science and history and in properly interpreting them, we must bring to bear the laws of nature, of mind and of ethics. These various phases cannot be better illustrated than by the facts of history, and their proper interpretation, of our own country. These great facts, briefly enumerated, are its discovery, its exploration, its subjugation, its settlement by immigrants, their colonization, their confederation, their declaration of independence, their maintenance of that by force of arms, the framing of their constitution, the establishment of their government, their institutions, their economic policies, subsequent wars, that of 1812, the Mexican War, the War Between the States and the War with Spain. To enumerate these and to give their details would constitute the history of the United States. To read the future in the light of the past, not only a knowledge of these detailed facts is necessary, but their interpretation in the light of physical, mental and ethical science. We begin with the potential factor or grade of the immigrant,—whether these were the "sifted grain of God," as announced by Mr. Stoughton, or of natural selection, as maintained by Mr. Darwin, it matters not. Certain it is that they were men who had great inherent power and expressed that, first, by refusing to conform to conditions in their native land, thus demonstrating a combative character, and, second, by emigrating to a new and strange land, thus demonstrating their aspiration and courage. Hence, we may conclude that the American immigrant was a unit of great force and character,—that he was transformed in many particulars, physical, mental, religious, moral, social and

economic we all know, and that in this transformation local conditions played an important part, in the subjugation of the savage, in the establishment of homes and in the maintenance of his life and species under these adverse conditions. These causes operated to create in him an indomitable spirit of independence in matters of religion, government and society. And in these natural conditions we find an interpretation of the great fact of history, which demonstrates his courage, patriotism and love of independence. By studying his institutions and the facts of his colonial government, we find an explanation of the inherent principle of State sovereignty. As an illustration of the evolution of opinion on institutions, let us take for example African slavery. It was introduced in this country in 1619. At that time it was an institution throughout almost the civilized world. There was no sentiment against it. It became an institution of all the colonies, which were engaged either in the slave trade or in the employment of slaves. It found lodgment in the constitution of the United States and was part of the laws of the land. By the time of the declaration of independence, however, eight-ninths of them were south of the Potomac River. By 1808, the importation of slaves was prohibited by law. By 1820 one-half of the States of the Union had prohibited slavery and were arrayed against the other half in the establishment of that institution in the common territory of the country. By 1860, the sentiment of emancipation had become so strong as to constitute the real principle upon which a president was elected. By April, 1865, slavery had been abolished in all the States and a few years later the slaves were made citizens and the States prohibited from disfranchising them because of race, color or previous condition of servitude. These mere facts of history, without being interpreted by natural, intellectual, economic and social conditions, mean nothing, but when they are interpreted by these we find the true explanation of this evolution of sentiment. In their distribution, it was due to natural law, the slave not being suited for service in certain sections of the country and these sections were not suited for procreation and growth, while other sections of the country were suited for his service and maintenance. Growing out of this natural selection and adaptation of the individual slave to his environment, new ideas and sentiments were evolved as to

the morals and ethics of the institution of slavery. In one section of the country these sentiments were inhibited by the practical institution of slavery, in another section of the country, there was no such inhibition. Nature therefore played no part in the moral sentiment of the latter community; hence, intellectual and ethical ideas alone operated. We may therefore interpret as a reason for the subsequent facts of history the operation of the moral and ethical factors alone against the institution. Therefore, the true student of history will never conclude that the differences of opinion, concerning this institution, were due to any inherent virtue upon the part of one section, or inherent deficiency in virture upon the part of any other section. What has been said of slavery can be established by citing the rebellion against the authority of the United States from various economic problems, such as the tariff in various sections of the country, and finally in the crystallization of the principle of State sovereignty, as expressed in secession.

As the world has grown older, the relations of men have become more and more extended and intimate. There is no longer among civilized people an isolated and wholly independent nation. The natural barriers to migration have been largely overcome by the means of transportation. In this way the relations of men and men's enterprises have become more and more intimate and allied. Therefore in prophesying the future, and interpreting the facts as they exist to-day, in our nation or our State, we must take into consideration that the influences that will make history in future are becoming more and more widened and extended so that in a word we have to-day upon the great questions of morals and ethics a world wide civilization and in the products of industry a world wide commerce. Hence it is that the student of history yet unmade will have to take into consideration a much more extended relationship and a much larger environment. If there are problems among us to-day as a nation that are yet unsettled, a world sentiment must be in part considered. If there are problems among us as a State that are yet unsettled a nation's sentiment must in part be considered. These are true in all our relations. The United States cannot set up a special standard of their own, with which nations of equal natural, intellectual and ethical potentiality disagree, and maintain their position without

strife, sacrifice and loss. No State of our government can establish for itself a standard and maintain it in violation of the laws of nature, morals and ethics and in opposition to the sentiments of the rest of the States. *Per contra,* the world cannot force upon the United States standards of government, and morals that are not in accordance with the laws of nature and the highest ethics that have been evolved in the world's history. Neither can any section of the Union or a majority of the States of the Union force upon any State a standard of morals or of social relation that is contrary to the laws of nature, of intellect or of ethics. It therefore behooves us, as a nation and as the people of a State, to know the facts that exist and to interpret them in the light of the laws of nature and ethics. Behind all of which no doubt is the presiding genius of an omnipotent Creator.

The State of Alabama in establishing a Department of Archives and History has shown the importance of this whole question and is in advance of many other States. The management of that department by the present director has shown that the policy of the law and the manager have met, and it promises great work for the future, work, I am sure, in which this Society will always feel a great and lively interest.

IV. THE ALABAMA LEGISLATURES OF 1857-8 AND 1859-60.[1]

By Sutton S. Scott,[2] Auburn, Ala.

I.

MONTGOMERY.

Ah! Those days of 1857-8 and 1859-60! They were golden days! During a large portion of the time, Montgomery was filled with visitors. Much of the intellect and chivalry of the State was there congregated; and the fair daughters of the capital, joined with those from Mobile and other points, formed together a combination of sweetness, grace and loveliness rarely to be met with even in this "Land of the Beautiful." Always pleasant and gay and bright, Montgomery never had before displayed these charming characteristics so strongly—so fully. The residences of its enterprizing citizens, gemming, amid rich clusters of encircling

[1] In the preparation of this paper I have compacted what I had to say in the narrowest possible limits. I could not be especially brief for, while I have noticed only a few of the more important subjects of legislation during the two sessions, with necessary comments upon some of the more prominent actors, I found these together so numerous, that the writing has extended much beyond what I purposed at the outset, or desired.

A few years after the adjournment of the legislature of 1859-60, I wrote an article, which was published, entitled "Random Recollections of the Alabama Legislatures of 1857-8 and 1859-60." Parts of this article—directly and purely reminiscential—written when a recollection of the events of the sessions and of the members actively participating in the legislation, was bright and fresh in my mind, are reproduced in this paper. This was done, of course, because these reproductions, under the circumstances just suggested, would be more life-like and reliable than anything I could write on the same subjects at this late day.

I am sure I ought to thank the secretary for calling on me to do this important work. It has been, even when saddest, a pleasant task. It has indeed been pleasant from beginning to end. I have, through it, been led to live over again a glorious part of the past—to wander, in fancy, amid scenes belonging to the former civilization of the South—a civilization as unique and picturesque in its make-up, as it was grand in its results—now gone, at least in part, from earth forever!—along with old-time friends—all, with one or two exceptions, gone too!—whose love, in those far-away days, was at once an inspiration and a blessing.

[2] For sketch of Col. Scott, see *Trans. Ala. Hist. Society,* 1899-1903, vol. iv, pp. 313-314.*note.*—Editor.

greenery, its sunny slopes and the margins of its level thoroughfares, and crowning its picturesque eminences, were seats of a noble hospitality—a hospitality so refined, so elegant, and withal so extensive, that the recollection of it will ever be a brightness to the delighted multitude of its partakers from every quarter of the State.

The object of the present writing is, in the main, to call fresh attention to certain of the gifted dead of the State, who figured somewhat prominently in her councils in the few years just preceding the war, the memory of whose services, virtues and sacrifices she should not willingly let die.

These two sessions of the Alabama Legislature were remarkable sessions. The membership was largely made up of the best and brightest men in the State. At the outset the names for both sessions will be given.

The members of the Senate for 1857-8, by districts, were:

1. Mobile—James S. Deas.
2. Baldwin, Monroe and Clarke—N. A. Agee.
3. Coffee, Covington and Conecuh—Daniel H. Horn.
4. Dale and Henry—James H. McKinne.
5. Barbour—Edward C. Bullock.
6. Pike—H. B. Tompson.
7. Russell—A. B. Griffin.
8. Macon, G. W. Carter.
9. Montgomery and Autauga—Adam C. Felder.
10. Dallas and Wilcox—James M. Calhoun, president.
11. Sumpter, Choctaw and Washington—Wm. Woodward.
12. Greene and Marengo—Allen C. Jones.
13. Perry and Bibb—Jack Cocke.
14. Lowndes and Butler—Thomas J. Burnett.
15. Coosa—Daniel Crawford.
16. Tallapoosa—John Rowe.
17. Chambers—Robert Mitchell.
18. Randolph—Robert S. Heflin.
19. Talladega—George Hill.
20. Benton—Miles W. Abernathy.
21. Jefferson and Shelby—John S. Storrs.
22. Tuscaloosa—Robert Jemison, Jr.
23. Pickens—Alex. B. Clitherall.
24. Marion and Fayette—E. P. Jones.
25. Franklin— R. B. Lindsay.
26. Lewrence, Hancock and Walker—O. H. Bynum.
27. Blount and St. Clair—Wm. Thaxton.
28. Cherokee—S. K. McSpadden.
29. Marshall and DeKalb—S. K. Rayburn.
30. Jackson—Wm. A. Austin.
31. Madison—Wm. Fleming.
32. Limestone and Morgan—John D. Rather.
33. Lauderdale—Robert Patton.

The members of the House for the same session, by counties, were:

Autauga—C. M. Jackson Speaker.
Baldwin—Joseph Nelson.
Barbour—M. A. Browder, Henry B. Clayton, Joseph C. McRae.
Benton—J. J. Baugh, J. H. Caldwell, John H. Wright.
Bibb—R. Parker.
Blount—Thomas H. Staton, W. H. Edwards.
Butler—Samuel Adams, A. B. Scarborough.
Chambers—G. W. Allen, Samuel Jeter.
Cherokee—Thomas Espy, A. G. Bennett, W. B. Richardson, L. M. Stiff.
Choctaw—J. M. Pennington, A. Culium.
Clarke—James J. Goode.
Coffee—Jeremiah Warren.
Conecuh—John D. Cary.
Coosa—George E. Brewer, Evan Calfee. Alex. Smith.
Covington—Alfred Holley.
Dale—Elias Register, Haywood Martin.
Dallas—Thomas E. Irby, A. G. Mabry.
DeKalb—A. W. Majors.
Fayette—A. J. Coleman, James Brock.
Franklin—Wm. M. Jackson, Robert E. Bell.
Greene—F. S. Hale, Robert E. Huckabee.
Hancock—A. Smith.
Henry—James Pynes, James Murphy.
Jackson—J. M. Cloud, J. B. Talley, J. S. Eustace.
Jefferson—O. S. Smith.
Lauderdale—H. D. Smith, Sterling A. M. Wood.
Lawrence—James S. Clarke, Henry A. McGhee.
Limestone—Thomas H. Hobbs, Wm. M. Reedus.
Lowndes—Duncan McCall.
Macon—J. M. Echols, T. F. Flournoy, Benj. Thompson.
Madison—S. S. Scott, Stephen W. Harris.
Merengo—A. B. Lesucur.
Marion—Kimbro T. Brown, Leroy Kennedy.
Marshall—Wm. M. Griffin, James L. Sheffield.
Mobile—Wm. G. Jones, Thomas H. Herndon, H. F. Drummond. Henry Chamberlain.
Monroe—F. E. Richardson.
Montgomery—Charles H. Molton, James R. Dillard.
Morgan—R. N. Walden.
Perry—George D. Johnson. A. Q. Bradley.
Pickens—Z. L. Nabors, A. L. Neal.
Pike—Joel D. Murphree, James Boatright.
Randolph—A. W. Denham, Isaac L. Weaver, W. H. Smith.
Russell—S. S. Colbert, Clarke Aldridge.
Shelby—N. B. Mardis, J. P. Morgan.
St. Clair—Richard F. Hammond.
Sumter—R. F. Houston.
Talladega—D. H. Remson, John T. Bell, James B. Martin.
Tallapoosa—M. J. Bulger, James Johnson, Henry M. Simpson.
Tuscaloosa—A. H. Brown, E. A. Powell.
Walker—Wm. Reid.
Washington—James B. Slade.
Wilcox—Felix Tait.

The members of the Senate for 1859-60, by districts, were:

1. Mobile—T. L. Tounmin.
2. Baldwin, Monroe and Clarke—S. B. Cleveland.
3. Coffee, Covington and Conecuh—Daniel H. Horn.
4. Dale and Henry—W. Wood.
5. Barbour—E. C. Bullock.
6. Pike—Edward L. McIntyre.
7. Russell—A. B. Griffin.
8. Macon—William P. Chilton.
9. Montgomery and Autauga—Adam C. Felder.
10. Dallas and Wilcox—James M. Calhoun.
11. Sumter, Choctaw and Washington—William Woodward.
12. Greene and Marengo—Allen C. Jones.
13. Perry and Bibb—J. F. Cocke.
14. Lowndes and Butler—T. J. Burnett.
15. Coosa—George E. Brewer.
16. Tallapoosa—John Rowe.
17. Chambers—Robert Mitchell.
18. Randolph—Robert S. Heflin.
19. Talladega—George Hill.
20. Calhoun—Thomas A. Walker.
21. Jefferson and Shelby—H. W. Nelson.
22. Tuscaloosa—R. Jemison, Jr.
23. Pickens—L. M. Stone.
24. Marion and Fayette—E. P. Jones.
25. Franklin—William M. Jackson.
26. Lawrence, Winston and Walker—O. H. Bynum.
27. Blount and St. Clair—F. W. Staton.
28. Cherokee—S. K. McSpadden.
29. Marshall and DeKalb—R. W. Higgins.
30. Jackson—William A. Austin.
31. Madison—William Fleming.
32. Limestone and Morgan—John D. Rather, president.
33. Lauderdale—R. M. Patton.

The members of the House for same session, by counties, were:

Autauga—Asbury C. Taylor.
Barbour—William H. Chambers, Henry D. Clayton, W. B. Bowen.
Baldwin—T. C. Barlow.
Bibb—S. W. Davidson, Jr.
Blount—Enoch Aldridge, A. M. Gibson.
Butler—Samuel Adams, M. C. Lane.
Calhoun—Wm. H. Forney, Wm. F. Bush, John H. Wright.
Chambers—A. J. Carlisle, Warner W. Meadow.
Cherokee—J. M. Clifton, F. M. Hardwick, Thomas Cooper, Dozier Thornton.
Choctaw—J. G. Slater, F. G. Felder.
Clarke—H. J. Hearin.
Coffee—Jeremiah Warren.
Conecuh—John D. Carey.
Coosa—Alex. Smith, Calvin Humphries, W. D. Walden.
Covington—Alfred Holley.
Dallas—A. G. Mabry, Thomas E. Irby.
Dale—D. Griffin, Noah Fountain.
DeKalb—Seabird Cowan, F. J. Burgess.
Fayette—A. J. Coleman, J. Seay.

Franklin—W. C. Oates, W. P. Jack.
Greene—R. D. Huckabee, S. F. Hale.
Henry—P. M. Thomas, B. C. Flake.
Jackson—P. G. Griffin, Jonathan Latham, J. M. Hudgins.
Jefferson— Alberts Martin.
Lauderdale—H. D. Smith, S. D. Herman.
Lawrence—David Hubbard, W. C. Sperrod.
Limestone—S. Rip. Davis, Thomas H. Hobbs.
Lowndes—James G. Gilchrist, W. D. Brooks.
Macon—W. R. Cunningham, Thomas Tate, C. J. Bryan.
Madison—S. S. Scott, Robert J. Lowe.
Marshall—W. M. Griffin. R. S. Clapp.
Marengo—N. B. Lesueur.[3]
Marion—Kimbro T. Brown, W. A. Musgrove.
Mobile—Percy Walker, John Forsyth, A. B. Meek (the speaker), G. D. Overall.
Montgomery—Samuel F. Rice, M. J. Saffold.[4]
Morgan—R. N. Walden.
Monroe—H. O. Abney.
Perry—A. Q. Bradley, A. K. Shepard.
Pickens—A. L. Neal, A. B. Clitherall.
Pike—A. W. Starke, O. F. Knox, J. B. Goldsmith.
Randolph—F. A. McMurray, F. M. Ferrel, J. Hightower.
Russell—E. Calhoun, F. G. Jones.
Shelby—D. F. Seale, W. G. Bowdon.
St. Clair—Levi Floyd.
Sumpter—B. Y. Ramsey.
Talladega—L. E. Parsons, Charles Carter, John T. Bell.
Tallapoosa—John J. Holly, O. P. Dark, A. S. Herren.
Tuscaloosa—N. H. Brown, N. L. Whitfield.
Walker—J. M. Ensley.
Washington—James White.
Wilcox—Felix Tait.
Winston—James M. Bibb.

In looking over the foregoing lists the reader will be satisfied of the fact hitherto stated—that the membership of these two sessions was made up largely of the best and brightest men in the State. Indeed he will find there the names of two of the Governors of Alabama; two Judges of its Supreme Court; one United States Minister to a foreign court; a half-dozen members, each, of the Federal and Confederate Congresses; more than a score of Circuit Judges and Chancellors, besides many who filled other high and important offices in the State.

Both sessions were interesting and eventful. There was *work to be done, and a great deal of it;* and to the lasting honor of

[3] Mr. Lesueur of Marengo, died in 1860. The vacancy was filled by Hon. F. S. Lydon.

[4] Mr. Saffold resigned early in the session—he was succeeded by Hon. M. L. Woods.

the members, it should be said, that work was done thoroughly, faithfully and patriotically.

The first matter of much interest brought before the Legislature of 1857-8 had reference to the election of United States Senator. Hon. C. C. Clay's term of office had not expired, but would do so before the next session of the Legislature; as, however, between such expiration and such subsequent session there would not be a regular meeting of Congress, it was urged that no necessity existed for holding the election at that time. On the other hand it was argued that the times were stormy; that clouds, threatening the destruction of the best interests of the South, were visible in the political heavens; that there might be a called session of the Federal Legislature, when, should the election of Senator be postponed the State could have but one Senator; and that sound policy consequently dictated that Mr. Clay's successor should be chosen at once. A good deal of feeling, none, however, of an acrimonious character, was engendered. It may be remarked also—*par parenthese*—it was tolerably evident that the election, if held then, would result in the choice of Mr. Clay for another term. When the question came up in the Senate, the friends of election put forward

EDWARD C. BULLOCK

as their champion speaker. It was his first appearance in such a role before the Legislature. As a brilliant and fearless writer and publicist, he was known all over the State; and vague rumors of his being gifted with great powers of oratory, which he had hitherto made but little use of, were also afloat. The Senate chamber was crowded. The question was not one of sufficient scope to bring out the full strength of a speaker; yet his efforts fully met the high-raised expectations of his intelligent auditory, who listened with delighted and breathless attention to arguments decidedly and pointedly put, enforced by rare aptness and beauty of illustration, and the whole rendered doubly effective by great earnestness of manner, and a singularly musical voice.

Bullock was a remarkable man. Many persons, upon meeting him for the first time, say at the festive board, and listening to his conversation, incessant in its limpid flow and flashing and

sparkling all over as it rippled along, no doubt thought him superficial. A greater mistake could not well have been made. He was exactly the reverse. In truth he was the Halifax of Alabama, without that distinguished statesman's disposition to doubt and trim. He was a many-sided man; and all the sides had breadth and strength as well as brightness. He would have acquitted himself with credit and honor in any position in which he might have been placed. It is no exaggeration to say that he would have made a good Judge, a good Governor, a good United States Senator, and a good diplomatist.

In the House the proceedings with regard to the propriety of holding the election were somewhat different from those had in the Senate. Two young members, one from each extreme of the State, perhaps others, who favored the measures, were desirous of speaking; but upon a consultation among them, it was decided that, as they were certainly in the majority, no talking on their part was necessary: that the fires of the opposition, lacking the fuel which could only be supplied by discussion, would speedily be extinguished, and the desired vote upon the question obtained.

The member, who suggested this plan of procedure, was

HENRY D. SMITH,

of Lauderdale; and he was circulating about the hall, during all the speechmaking on the part of the opposition, urging and exhorting the younger members in favor of the bill, to keep quiet. It was hard work, but he was strenuously persistent and indefatigable, and therefore successful. The result proved the wisdom of the policy suggested and advocated by Mr. Smith. Two or three opposition speeches were made; after each of which was a "pause for a reply," but the reply did not come.

Henry D. Smith, the strong friend and active counsellor of his young companions in the House of Representatives, was an old and experienced legislator. He was a bold, true-hearted, strong-minded, and cool-headed man—a genuine Southern Democrat from centre to circumference of his sturdy frame, and from start to finish of his active and vigorous life—a Democrat, in short, of the Old Hickory type.

The best of the opposition speeches was made by the young member from Limestone,

THOMAS H. HOBBS.

"None knew him but to love him" was essentially true of Hobbs. As mildly mannered and gentle hearted as a woman, yet decided in his views, and firm in their maintenance—an elegant gentleman, a scholar and a Christian—he had, although young in years, already made for himself, throughout the State, an enviable reputation which was daily brightening. Such was his high standing in the State that he was being spoken of at the time as the man for the next Governor. He became early in the war captain of a company in the Virginia army, and was desperately wounded at Seven Pines. His death soon after followed.

The speech of Hobbs alluded to above, was elaborate, and presented the arguments of the opposition fully and forcibly. He sat down. No response! He arose again and after briefly running over the arguments embraced in his previous remarks, called most urgently upon the friends of the measure to say something in its behalf. No answer! The question was about to be put, when he sprang to his feet, and, glancing quickly around the hall, he somewhat excitedly, albeit no man had better control of himself, desired to know if gentlemen were going to sit quietly and tamely in their seats, while the impolicy of their proposed action was being shown, without some attempt to defend themselves. His remarks were ingenious, and well calculated to bring about the object he had in view; but they failed. At their conclusion, although it could be perceived that several of those to whom they were directed, burned to take the floor, *an ominous silence prevailed!* Hobbs then gave up in despair.

II.

The monetary affairs of the State were, by no means, in good condition. Its banks and banking demanded attention—required, in fact, cautious management, and wise and deliberate regulation. The Legislature had yet upon its hands the affairs of the old State Bank and its branches for settlement. The bills of these banks were still in circulation. Being received for taxes, and having behind them the pledge of the State for redemption, although the banks were virtually dead, their bills were considerably alive, and passed among the people at par, or about par,

hardly less freely than those of the chartered banks. Many attempts had been made to stop this anomalous state of things, and get rid of this currency, as a necessary preparation towards the winding up of the affairs of these banks.

When the first effort was made, at a previous session of the legislature, to burn these bills, it met with strong opposition, under the leadership, I think, of Hon. J. L. M. Curry, of Talladega, and failed. Opposition, however, to the movement in the State, had, for some time, been growing weaker; until during the session of 1857-8, it had almost disappeared. When the attempt, consequently, about the middle to such session, was renewed, it was met in the House by only a few dilatory motions, and by but a single hostile speech of any strength or importance. That speech was made by James S. Clarke. The measure, therefore, for burning the bills readily passed the House. It also passed the Senate without delay, was approved by the Governor, and the old money was thereupon duly burned under the direction and supervision of the proper State officials,—thus forever disposing of a matter which had vexed Alabama legislation for several years.

JAMES SIMERAL CLARKE.

who made the speech referred to was one of the members from Lawrence. The man, who had generally represented that county in the Legislature, for the past thirty years, was Hon. David Hubbard. Two men more unlike than Mayor Hubbard and Mr. Clarke could scarcely be found after the most diligent and widely extended search. Mayor Hubbard was rough and solid, physically and intellectually,—plain and direct of speech; somewhat abrupt and uncouth of manner, and superlatively indifferent as to dress—as to the cut and material of his wearing apparel generally. He was in principle a States' rights Democrat, uncompromising and immovable. Clarke, on the other hand, was a gentleman of no little brightness and culture, with a polished and graceful address, and a handsome person, which was always clothed with scrupulous neatness, not to say elegance. But unfortunately with all these mental and personal advantages, there was one great essential toward the full and complete make-up of a man, wanting to him. He lacked oneness and fixedness of

purpose. There was in him a sort of disposition to trim. This was evident from much of his course during the session of 1857-8. He finally, during the sombre days of Reconstruction, became a Republican. He was one of the few brainy young men of the State, who deserted its cause in the midst of its terrible struggle for civil and political existence, when it sorely needed all the youthful vigor and enthusiasm left to it from the bloody battlefields of the great war between the States. He passed into that party toward which he had for some time leaned, smoothly, quietly and easily, and many of his old companions in the Legislature, who admired him for his gifts of head and heart, and his gentle and unobtrusive manners, sincerely regretted his political defection. Clarke was a member from Lawrence in the Constitutional Conventions of 1861 and 1865. He died young—was, I think, a Republican Circuit Judge at the time of decease.

III.

The unfortunate attempt at banking on the part of the State, which is now being considered, had left it, when the end was reached during the session of 1845-6, and the assets of the State Bank and branches were placed in the hands of commissioners and trustees for liquidation, largely in debt. In fact, the indebtedness of the State at the time fell but little short of $10,000,000, bearing annually about a half million dollars of interest. In 1847 Francis S. Lyon, who was on the commission appointed at the previous session, became sole commissioner; and at the meeting of the legislature of 1853-4, it was found, from the report of the joint special committee of the two Houses, to which was referred the work of the commissioner, that he had by supremely judicious management, reduced this enormous debt to but little more than one-third of its original proportions, with a corresponding reduction of its annual interest—thereby saving the State nearly six millions of dollars on the principal, with an annual interest of about three hundred thousand dollars. It was a source of deep regret to the whole people of the State that other important business, at this juncture, necessitated the retirement of Mr. Lyon from the commissionership, which he had adorned and honored, and which on its labors had been so valuable to Alabama. The joint committee gave voice to this regret in the following em-

phatic words of its report: "Your committee in presenting a state of facts so auspicious and gratifying to the people of the State, regret to learn that the officer mainly instrumental in bringing about a state of things so conducive to the credit and so flattering to the prospects of the State, finds it no longer convenient to remain in office, where his labors have been so signally useful to the people."

FRANCIS S. LYON AND JOHN WHITING.

The gentleman who succeeded Mr. Lyon, upon his retirement as sole commissioner, was John Whiting He had been Mr. Lyon's assistant, almost, if not quite, from the time that the office was created. He was well fitted for the place of sole commissioner which at the session of '57-8 he had filled for some years very successfully. Mr. Whiting was not indeed a second Mr. Lyon. Such a man could hardly be found in this, or any other State. I do not say of Mr. Lyon that he was a man, to adopt the words of Shakespeare,

> "Take him for all in all,
> We ne'er shall look upon his like again;"

but I do say, he was a man, take him for all in all, we shall seldom look upon his like again. He was no intellectual prodigy. We have had many intellectual prodigies in Alabama; but we have had but one Mr. Lyon: and we will doubtless have many more intellectual prodigies before we will have another Mr. Lyon. He was chiefly remarkable for his love of work, not alone for its results, but for work's sake as well; for his sterling honesty; for his kindliness of heart; for the clearness and justness of his convictions; and for his exactness in every respect. Mr. Whiting was a man much after the same style,—but with a difference. He was scarcely less clear-headed and attentive to business, and was besides scrupulously honest, and a most diligent and faithful worker, but he lacked the soft persuasive voice, the gentle, conciliatory ways—the unsleeping tact of Mr. Lyon—characteristics that served to attach to the latter, every gentleman on first approach, or very soon thereafter. It has been said that Mr. Whiting was a fit successor of Mr. Lyon. His report to the session of 1857-8 demonstrated this fact most

unmistakably. Governor Winston in his message at the opening of the session had advised,—giving his reasons with much clearness and force,—the discontinuance of the office of commissioner, and the disposal of doubtful assets remaining in his hands upon the best terms practicable. The joint committee of the Senate and House, to which had been referred the affairs of the State Bank and Branches, in considering these suggestions of the Governor, etc., were so impressed with the character and work of the commissioner, and his views with regard to the uncollected assets of the banks, that they decided, and so recommended to their respective bodies, that the commission be continued until the adjournment of the next legislature. This was done; and it may be added, that, for like reasons, the commission was continued for two years longer by the legislature of 1859-60. In justice to Mr. Whiting the following extract from the report of the joint committee is made: "Your committee take pleasure in bearing testimony to the able, faithful and efficient manner in which the commissioner and trustee has conducted the financial interests of the State during his term of office. A few years since the State was burdened with a debt of nearly $10,000,000, paying annually nearly a half million of interest. From the proceeds of the unfortunate State Bank and Branches, by the careful management of the present commissioner and his predecessor, much of this debt has been paid; and the 1st of July this year (1858) will in all probability find the State with only about $2,800,000 of outstanding bonds with an annual interest of less than $150,000. And for the accomplishment of this last-named purpose we have thought proper to recommend the continuance of the commissioner [and] for the especial purpose of finally settling the unadjusted matters connected with the State debt now in his hands. And your committee feel gratified in saying that this confidence in his capacity and faithfulness to the interests of the State is of the highest character."[5]

IV.

The Alabama banks,—there were others chartered during these two sessions of the legislature—the Bank of Alabama at Mobile and the Eastern Bank at Eufaula—did but little, com-

[5] House *Journal* 1857-8, pp. 428-9.

paratively speaking, towards supplying the people of the State with a currency to meet the wants of business and trade. Agents of foreign banks, in the state, mainly large and wealthy brokers in the principal cities were accustomed to gather up the bills of the Alabama banks, almost as fast as they were issued, and present them at once for redemption, while in the way of business, they were scattering broadcast over the State the bills of the foreign banks, for which they were acting as agents; and thus the currency of the State, instead of being an Alabama currency, under Alabama control and management, was, to a great extent, a foreign currency, under foreign control and management, instead of being the issue of Mobile, Montgomery, Selma and Huntsville banks, known to be safe, was the issue largely of Georgia, South Carolina and Tennessee banks, of which issue, if unsafe, the people of Alabama generally were profoundly ignorant. This was especially true of the northern part of the State. The circulating medium of that section was almost wholly made up of the bills of the banks of Tennessee, Georgia, and South Carolina. The Northern Bank of Alabama, located at Huntsville—an institution as sound as a gold eagle newly minted—could scarcely float a dollar of its currency for a week—frequently not for a day—because of the fact heretofore stated, and for the further reason, no doubt, of the United States land office being located at Huntsville, which, it should be said, was accustomed to receive the bills of that bank in payment on all entries of government lands—these bills, of course, having to be converted into specie by recourse to the bank, before being turned over to the United States Depository by the receiver.

An effort was made in the legislature of 1857-8 to remedy this evil. A bill was introduced in the House by William Giles Jones, of Mobile, chairman of the Judiciary Committee, "More effectually to prevent the banks of other States from carrying on the business of banking in this State," which excited perhaps the liveliest and widest discussion of any measure presented to that body for consideration. It called to the floor many members who had never occupied it before. The House was apparently about equally divided between the contestants for and against the measure. Many of the best financiers of the body, however, thought the Jones' bill had much merit, but needed

considerable modification, and attempts were made to amend it. The committee on Banks and Banking reported a series of amendments to the measure, through Thomas H. Herndon, of Mobile, who supported them and the bill with a few characteristic remarks, concluding with a motion to make the whole matter a special order for 11 o'clock Wednesday, December 2. The bill, in running as a special order for several days, was absolutely talked to death, and, December 11, it was indefinitely postponed by a vote of 47 to 44. There were two efforts for indefinite postponement—the first having been a failure, as the vote was a tie—45 to 45.[6] Thus closed one of the most interesting and important struggles witnessed in the House during the entire session. The following, signed by the Speaker, C. M. Jackson, and a few others, and spread upon the journal, with regard to the fate of the measure, speaks for itself—indicates the *animus* of the supporters of the Jones' bill, and what it was expected to accomplish, in the event of its having become a law:[7] "We the undersigned voted against indefinite postponement of the bill to be entitled an act more effectually to prevent the banks of other States from carrying on the business of banking in this State, not because we are in favor of the provisions of the bill as it then stood, but because we desired to give an opportunity to the friends of the bill to amend it, in such a way as to protect the citizens in their individual rights, and relieve them from a suprious currency, which they ask the privilege of doing—amendments which could not be made under the parliamentary rules pending the motion to indefinitely postpone. We would most unhestitatingly have voted against the bill on its passage unless materially amended."

V.

Allusion has been made to some characteristic remarks by

THOMAS H. HERNDON,

of Mobile, on the Jones' bill more effectually to prevent the banks of other States from carrying on the business of banking in this

[6] House *Journal* 1857-8, p. 212.
[7] *Ibid*, 1857-8, p. 213.

State. This gentleman, one of the brightest and most popular of all the young members of the legislature, did not take the floor often, but when he did, there was generally some measure of vital importance before the House, and what he said was always full of matter, clearly expressed, and exactly to the point. His manner was pleasing, as was his voice. The latter, however, while being distinct and musical, was of no great compass. In dress he was neat and tasteful. There was nothing studied, stiff, or precise about it. He had no fancy for silk hats, and his coat, like that of Alban Morley, Bulwer's fine gentleman, was "never guiltless of wrinkles." He was rather tall and very thin, with a pale face, classic features and an expression somewhat grave and sedate, but by no means gloomy or sad.

Herndon was frequently honored by his State with important offices. In all these he discharged his duty with the promptness and firmness of a brave man, and the fullness and exactness of a wise and good one. The last office that he filled was that of member of Congress from the Mobile District. He died March 28, 1883, in the fifty-sixth year of his age, at his home in Mobile, from the effects of an old wound received while on horseback at the head of his regiment in one of the great battles of the war. In his death Alabama lost a son, whom she justly and truly admired and loved, and whose place, thus made vacant in her councils, could not be easily supplied.

In one of the multitudinous discussions upon this Jones' bill

THOMAS E. IRBY,

of Dallas, obtained the floor. Slowly, deliberately and with much gravity he opened his speech: "Mr. Speaker, this measure is one of the most interesting and weighty of any that has engaged the attention of the people of this State for the last half century; and I trust, sir, that I, to-day, shall be able to treat it in a manner befitting its importance, and the dignity of this body." Here he stopped. He made an effort to proceed; but he hesitated, blundered and finally broke down. With a broad smile mantling his jovial face, he said: "This is my first attempt, Mr. Speaker, to make a prepared speech—one cut and dried— and I reckon it ought to be my last."—He then took his seat, unabashed, and in great good humor.

No! Irby could not make a set speech; but he was quick and ready in debate, and in an off-hand effort, he always made good and decided "hits." When addressing the House, his round, rosy face, shining like the sun, around which waved masses of flaming red hair, joined with his laughter-loving voice, diffused a geniality and warmth through the minds and hearts of all about him, and thus prepared them to give a kind consideration to his generally well digested views, and to regard with favor his many sound and practical suggestions.

When the question is asked now in Alabama—where is the man, who started upon his career for State honors, under such flattering auspices just before the great war,—the reply commonly is,—He died upon the field. Such was the fate of Irby. He fell at the head of his regiment in Virginia, where fell so many of Alabama's best and bravest; and "tears, big tears" bedewed many a manly face at his death. He was one of "Freedom's champions," and

—"He had kept
The whiteness of his soul, and thus men o'er him wept."

When Irby sat down in the discussion upon the bill referred to,

STEPHEN F. HALE,

of Greene, arose. He was rather young faced, but gray-headed. A broad, sort of Scotch accent made his voice somewhat disagreeable. His remarks, however, were generally so much to the point, and so lucid and close in argument, that one did not long notice this defect of utterance. He was a model legislator, and attended to the business of the State *con amore*. He was a vigorous minded man and a fine lawyer. A member of the Judiciary Committee, he studied every bill referred to that committee with all the care and strictness that he did his briefs. It was the common talk among the younger members associated with him, that it was unnecessary for them to look into and investigate such measures, as Hale would do it thoroughly; and that being conversant with the constitution, statutes and supreme court decisions of the State, he would come to the committee room prepared to explain every point that might arise.

He was a man of generous nature; but he never allowed his

warm-heartedness, either in committee or the House, to warp his judgment; but he ever came to his work coolly, dispassionately, and with an eye directed solely to the good of the people.

Like his neighbor and friend, Irby, Hale lost his life upon one of the bloody battlefields of Virginia, while gallantly leading his regiment.

JAMES S. WILLIAMSON,

of Lowndes, also took part in this discussion, as he did in almost all discussions of any length or importance during the session of '57-8. He was a plain farmer, with an education somewhat limited, a vigorous mind, and a high and fearless spirit. He informed himself well with regard to every matter of importance presented to the legislature for consideration. His voice, though shrill, was not unpleasing,—his utterance rapid, and his action energetic. The power and effectiveness of his speeches too were considerably increased by a striking person, tall and well proportioned, and a ruddy face, showing "a nose like the beak of an eagle, and an eye rivalling that of an eagle in brightness." He was always ready to meet and shiver a lance with any knight of debate; and, however dextrous his antagonist might be in the use of his weapons, Williamson either victoriously held the field, or left it with honor. He was killed with his sword flashing above his head, and his clarion-like cheer encouraging his men as he led them in a furious charge upon the enemy's breastworks at Frazier's Farm in Virginia.

It has been said that many of those members who had seldom or never occupied the floor, took part in these discussions upon the Jones' bill. Of these members was

GEORGE D. JOHNSTON,

of Perry. On account of his youth, and it being his first appearance as a speaker on the floor, he was given close attention. His talk occupied but a few minutes. Johnston spoke slightingly of this little speech subsequently—he evidently did not regard it very highly. Others, however, thought it excellent in matter and eloquent in delivery.

Johnston was perhaps the youngest member of the House—at any rate, he was decidedly the youngest looking and acting mem-

ber. Indeed he had the smooth, round, chubby face; the bold, free, somewhat dashing manners; the cordiality, buoyancy, frankness and open-heartedness of the genuine Southern boy, healthy, strong, well-grown, and just entering upon a bright, hopeful and prosperous manhood.

When war between the sections became imminent, Johnston—the writer about this time, in Montgomery, met him almost every day—was in a perfect fever of impatience to get into the army; and, it may be added, he soon got there. He entered as a lieutenant of the Fourth Regiment of Alabama Infantry; and he, only about thirty years old, left the field at the end of the war a brigadier general. He was a superior officer and a gallant fighter.

General Johnston has been more than once elevated to responsible positions by his people. At this writing he is a member of the State Senate from the Tuskaloosa District. In conclusion, it should be said of him that after having waged a good Southern fight with his sword, he is now waging a good Southern fight with his pen and tongue. His lectures on the Old South and some of its chief leaders for brilliancy, truthfulness and eloquence have rarely been excelled on the Southern platform.

VI.

There were several members of these legislatures who fell within the interesting class popularly but somewhat vaguely called "characters"; but whom Ben Jonson, in some of his lines, has described as persons distinguished by "humours."

THE PARLIAMENTARIAN

was one of these. At times he offered much amusement to his *confreres*. He was looked upon as one of the clever boys of the House. Everybody liked him and enjoyed his youthful eccentricities. With a face and manner expressive, in a high degreee, of a frolicsome disposition, it was no easy matter, in some of his legislative manœuvres, to decide when he was in earnest. Some of these performances had very strongly the poetic merit of "abruptness." Now and then he startled the House by suddenly jumping to his feet, and taking issue with the chair upon some

point of its rulings so clearly correct as not to admit of a doubt, and proceed to give it—the House, I mean—the benefit of about a page and a half of Jefferson's Manual, which, he contended, bore directly upon the point at issue, and made good his objection. No one, however, could see it, as he did, for, despite the ingenuity of his reasoning, backed by the authority of Mr. Jefferson, the Speaker always stupidly insisted upon his decision; and, upon the appeal, which instantly followed the House as stupidly always sustained him—invariably with but a *single* "not content." Mazeppa says:

"One refusal's no rebuff."

This parliamentary "dissenter" went beyond the old Hetman of the Cossacks. He did not think a man ought to be cast down by many refusals. Although never successful in these attempts upon the chair, he was never discomfited, but came back again to the charge, when the spirit moved him, with the same liveliness and vigor that he manifested in the beginning.

THE POOR MAN'S FRIEND

was another. He was a tall, angular gentleman, from one of the lower counties—kind hearted and sensible. He was an efficient member, being always at his post, and especially attentive to the wants of his immediate constituents. He had his hobby, which was a good one, when not pushed to an extreme: Economy in the management of State affairs. He rode it rather heavily at times, but not quite so much so as one or two others upon the floor, who were similarly mounted.

He claimed also to be, *par excellence*, the representative of the bone and sinew of Alabama. And he showed, by all his actions, that the claim was well founded. It was evidently not made for effect, but was expressive of his true and honest feelings. When he took any decidedly active part in the advocacy of a bill, it was because it was beneficial to the interests of the poor of Alabama; and *vice-versa*. Those interests were his main subject of comment in making any speech—so much so, that sometimes, when taken in connection with the character of the measure under consideration, his remarks appeared rather ludicrous. This propensity of the honest old member gave rise to the following *bon*

mot. It should be premised that he had but one eye. In mock session one day at the Capitol, the annexed resolution was introduced by Judge Clitherall:

"*Resolved,* That the gentleman from C. has an *eye single* to the interests of the poor of Alabama."

He readily forgave the one-half of the *double entendre,* referring as it did to a bodily infirmity, for the compliment embraced in the other.

THE FANCY TALKING MEMBER

was still another. He was one of the members of the House from L., and was dubbed the "Fancy Talker" by a newspaper correspondent. And not a few speeches did he make; but justice requires it to be added, they were generally short, and often sprightly and pointed. The great drawback, however, to the good ones was, that like the best of G. P. R. James' novels, they were provided by the author with too much indifferent company. He was by no means wanting in intelligence, and his parts were good; but a man has to be something remarkable to talk much and not talk some nonsense.

A bill was introduced by Hobbs to establish, at some eligible point in the State an asylum for the blind. He supported it by a few characteristic remarks, which were followed by something more elaborate from the talking member.—The body of the speech was rather seemly; but it was finished off—that magnificent humbug of Doesticks, Niagara Falls, supplying the material —with a flourishing tail in the way of peroration, like unto the following:

"Look, Mr. Speaker, at Niagara Falls. See the castellated rocks piled so majestically on either hand—the stately motion of the heavy current above—its arrowy swiftness in making the terrible leap—the waving, sparkling lines of light shooting from the vast abyss far upward upon the surface of the tumbling waters—the seething and surging vortex below, from which issue, like the multitudinous howlings of a host of imprisoned demons a mighty and thunderous roar, and above which roll, in ever shifting folds, clouds of spray, sullen and sombre in shadow, but gleaming in the light with a soft and filmy transparency resembling the finest veil of silver gauze; and you are ready to

exclaim, sir, with every other beholder, a grand picture! But, sir, that picture in the physical world of America is not grander, than are, among men, the out-croppings of public sympathy and charity evidenced by the building and endowment, by government, of such institutions as the one under consideration."

At a dining given the same day, at the residence of one of the first citizens of Montgomery, Hon. Elmore Fitzpatrick, the son of a gentleman who had most worthily filled almost every office within the gift of the State, while the guests were seated around the table laughing, talking, and sipping their wine, one of them suddenly arose, not, as he said—replying to the enquiring and expectant looks with which his action was greeted—to make a speech, for, as all were aware, he held postprandial speeches a bore, but simply to propound a weighty interrogatory to his friend, the junior member from M. He desired to ask how the gentleman from L. managed to get all that big talk about Niagara Falls in his remarks upon a blind school bill. "The answer is easy," was the reply. "It was in the highest degree appropriate. There is an intimate connection, you know, between a *cataract* and *blindness.*"

VII.

A few other so-called "characters," or "humorous" persons were to be found in the House along with those just pointed out, two or three of whom will perhaps be noticed hereafter. The reader is now asked to turn to a hurried account of the more serious business of the sessions indicated.

Early in the session of 1857 (November 27), the committee on Federal Relations reported back to the House a series of resolutions with regard to Kansas affairs, which had been referred to it, after having been unanimously adopted by the Senate. The resolutions denounced the arbitrary and unconstitutional action of Governor Robert J. Walker, in overriding the will of the people of that Territory in the matter of the constitution adopted by them. A spirited debate was sprung in the House by an attempt on the part of a few old Whigs or Americans to add to the resolutions some others, holding the administration of Mr. Buchanan altogether responsible for the action of Governor Walker. The resolutions, however, as they came from the com-

mittee were finally adopted by a vote of 85 to 3:[8] the negative votes having been cast by Brock, of Fayette, Dillard, of Montgomery, and Mardis, of Shelby.

Mr. Mardis, in conjunction with Mr. Richardson, of Monroe, filed a protest to the adoption of the resolutions, which, by the way, is not unworthy of notice, as a sort of literary curiosity. The first paragraph is quoted: "The undersigned protests against the adoption of the resolutions, by which the course of Governor Walker, of Kansas, is condemned—First, because the legislature of Alabama has several times before passed resolutions of a similar character to them, stating that the South would at all hazards resist any further attempt on the part of the North to interfere with her rights and institutions; which resolutions have as often been disregarded wholly by the North; and instead of the resolving party meeting the main question like true Southern men, and calling the North to an account for her conduct, they now propose to pass another set of resolutions, which if left to them to defend, they will share the same fate. Believing then that the resolutions are not intended to act upon [to be acted on] but merely for Buncomb, to be used hereafter for ———— purposes, the undersigned decline the honor of becoming a party to them."[9]

Other resolutions with regard to Kansas affairs were adopted by the Senate and House toward the close of the session of 1857-8. They were much more important and far-reaching than those which had excited the unique and vigorous protest just alluded to: Indeed they provided for the call of a convention of the people of Alabama to consider the situation, in the event of Kansas, upon application to Congress, being denied admission into the Union, as a State, under the constitution framed and adopted by her, commonly known as the Lecompton constitution. When the resolutions were reported to the House from the committee on Federal Relations they were read immediately first, second and third times, under a suspension of the constitutional rule, and adopted by a unanimous vote.—Brock, of Fayette, and

[8] House *Journal*, 1857-8, pp. 131-2.
[9] House *Journal*, 1857-8, pp. 160-1.

Dillard, of Montgomery, the two adverse voters, and Mardis, of Shelby, and Richardson, of Monroe, the two adverse protesters, in the former case, each voting, in the latter case in the affirmative.[10] This was the only time I ever knew Mardis to "about face" on an important question—in other words, to recede from a position which he had once openly assumed.

N. B. MARDIS.

I am inclined to think his full name was Napoleon Bonaparte Mardis. He was a rather singular compound. He was pleased to have but little to do socially with other members of the legislature. With some—many perhaps—he was pleased to have nothing to do. The pleasure no doubt was reciprocal. He seemed to be sort of Americanized Diogenes. The usual expression of his face was one of discontent and dissatisfaction. In conversation, and when addressing the House, his voice was harsh and rasping, but very distinct and his words were curt and abrupt. His manner, as will be imagined from what has just been said, was by no means conciliatory; it was, on the other hand, indifferent and repellant. While his education appeared to have been somewhat limited, he was evidently a man of hard and rugged sense, strengthened by wide and varied experience; of much tenacity of purpose; and a firmness that bordered closely upon obstinancy. His indifference of manner and curtness of speech was perhaps but a way he had of displaying a trait of character, which he certainly valued, and which he as certainly possessed—independence. He was a faithful legislator—having, it seemed, constantly in view the interest of his constituency; and he ever struggled for those interests with vigor, ability and determined persistency. His efficiency as a legislator, however, was sadly marred by his want of popularity with the members generally.

The last I ever heard of Mardis was in 1865—he was a member of the constitutional convention. I know nothing of his domestic, social and business relations—nor of his politics. What was his course during the latter days of reconstruction—those days of intensified gloom and disaster in the State,—I am unable to say.

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[10] House *Journal*, 1857-8, p. 328.

Of his death—when and where?—I am also ignorant. Among the men of Alabama who figured at all in her councils just before and soon after the war, no one, as far as my knowledge extends, has received so little notice as Mardis. I have never seen a sketch of his life and character. With regard to these Brewer is silent —so is Garrett. Some of his Shelby friends should write such a sketch. If properly prepared, it would furnish interesting, and, I doubt not, profitable reading matter.

VIII.

A pause is made here to notice briefly a few House members of one or the other of these legislatures with whom the writer was thrown in intimate association—an attention which the course of this imperfect narrative has hitherto not allowed.

ROBERT D. HUCKABEE

was one of the cleverest men in the House.

Although chronically afflicted—with but "poor health" for years—from the sufferings of which he has been at last forever released, he never seemed to fail in spirits or good temper. His disposition was naturally sweet, and although sorely tried, it ever remained so. In all his acts as legislator, he displayed modesty, right feeling and good sense; and his work was unobtrusively, yet effectually done.

An incident, in which he figured as one of the principal actors, while a member, ought not to be forgotten. He brought with him to Montgomery, a body servant, named Nathan—an African with all the lines of a genuine full-blood—retreating forehead, flat nose, thick, protruding lips that really "blossomed as the rose," long heels, and hair that kinked so closely that both ends appeared attached to his head. Nathan loved whiskey; and now and then he imbibed rather extensively. On these occasions he was as loathsome as useless; and he was both to perfection. After trying various means ineffectually to break him of the vice, Huckabee, as a sort of dernier resort, threatened him with freedom on its next occurrence—Nathan, like Ritchie Moniplies, "kenning when he had a gude master," if the other "did not ken when he had a gude servant," determined that "the deil should

be in his feet gin he left him," and proceeded to keep himself right side up with care, making no false step for several weeks. But alas! one evening he was found by his master, upon returning to the hotel from the Capitol, drunker than ever. When he recovered from the effects of his spree, he was called up, not for trial—that was unnecessary—but for sentence and execution. By Huckabee a great parade was made—friends to act as witnesses were sent for, pen, ink and paper were provided, and duly set out on the table, while he, taking a position behind it, sat rigidly mute, with an expression grave, severe, even funereal.—The delinquent was heavily impressed; he stood upon one leg, then upon the other, and swallowed as if there was a huge hill in his throat, which, like Banquo's ghost, "would not down." When all was prepared, the apparently inexorable judge slowly arose, with a sheet of paper and pen in his hands, and said: "I told you, Nathan, some time ago, if you ever got drunk again, I should turn you loose. Well, you have done so; and now I have called in these gentlemen to witness the free paper here prepared for you. You can take it; go and shift for yourself."

Here Nathan's tongue was untied. He begged, prayed, and besought his master not to set him free—not to drive him off—*not to ruin him!* He implored him, in an ecstasy of fear, just to try him once more, and he promised with an earnestness, indicative of the fixedness of his purpose, to let whiskey alone forever. Morris, in his appeal to Helen McGregor for life was not more eloquent than was Nathan in begging Huckabee to save him from freedom.

Some important measure was before the House, the object of which met the approbation of the members generally. There was opposition, however, to some of the details of the bill,—and a motion was made to refer it to the proper committee that these defects might be remedied. The friends of the measure undertook to suspend the rules, and pass it at once, and just as it was. When the effort was made, a new member suddenly arose,—the silver tones of whose voice immediately rivetted attention,—and said: "I approve of the object sought to be attained by this bill; but I do think certain of its provisions ought to be modified. The usual reference to a committee, that this end may be accomplished, is asked by the few who agree with me. The majority are

disposed to deny us this right, and are striving to put this measure through with a haste which smacks of indecency. Now, sir," exclaimed he in a voice as clear and as ringing as a trumpet-call, "we demand this reference; and we hereby warn the majority that if they attempt thus to 'dragoon' us into measures, to ride over us 'booted and spurred' we will exhaust every constitutional right, and every parliamentary manœuvre, to defeat the bill." He thereupon proceeded to make a speech against certain features of the bill, which for eloquence and power was seldom surpassed in a legislative assembly. This was the first speech made by

JAMES B. MARTIN,

of Talladega, before the Alabama legislature.

Col. Martin was killed at Dranesville, Virginia, in the thirty-sixth year of his age. He was an humble Christian, an affectionate friend, an honest man, an able lawyer, and a true soldier. With him, as with his great commander, *duty* was a guiding star—one that was never lost sight of;—and in the shining but rugged path marked out by it, he was never known to falter or waver. The truth of this statement was made conspicuously manifest in the last act of his life. He had been elected judge of the district in which he resided, and had obtained leave of absence from the army to hold his courts. He postponed his departure to take part with his regiment in the expected engagement. It is said that the shadows of coming death rested upon his spirit, and that to a comrade, who found him upon his knees before the battle began, he expressed the settled conviction that the last day of his life had dawned; and he was prepared for it. The death that he looked for found him where duty placed him.

"Yon path of greensward
Winds round by sparry grot and gay pavilion;
There is no flint to gall thy tender foot,
There's ready shelter from each breeze or shower.
But Duty guides not that way—see her stand,
With wand entwined with amaranth, near yon cliff;
Oft, where she leads, thy blood must mark thy foot-steps;
Oft, where she leads, thy head must bear the storm,
And thy shrunk form endure heat, cold, and hunger;
But she will guide thee up to noble heights,
Which he who gains seems native of the sky,
While earthly things lie stretched beneath his feet,
Diminished, shrunk, and valueless."

These are noble lines. Would that the truths garnered in them could find the same lodgment in the breasts of all young men that they found in that of the subject of this sketch. The tender and graceful stanza so often quoted, is so singularly appropriate when applied to Colonel Martin, that I cannot refrain from using it here in the way of a farewell:

"Ah! soldier, to your honored rest,
Your truth and valor bearing;
The bravest are the tenderest,
The loving are the daring."

Among the talking members of the House,

HENRY T. DRUMMOND,

of Mobile, occupied a prominent place. He talked vastly too much, and now and then certain members grew restive under the infliction. On one occasion, during about Drummond's third speech upon some matter of no especial moment, the member from P. shot a paper pellet at his nose, which was a very prominent one. Swiftly and surely across the entire hall flew the little missile, and fairly and truly it drove the very center of the object at which it was aimed. D., highly indignant, called the sportsman to order. The proper explanation was at once made, and all was quiet again,—doubly quiet, for the pellet effectually demolished D.'s speech.

The member from M., who was talking to the member from P., when he fired the shot, repeated in an undertone, as D. took his seat:

"The first bird of spring
Attempted to sing.
But before he had rounded a note,
He fell from the tree,
A dead bird was he,
The music had froze in his throat."

Poor, gallant, generous, high-hearted and unpopular Drummond! It has seldom happened that a man so deserving has been blessed with fewer friends. Independent, chivalrous, talented, liberal and truly honorable, as he was, it would appear to most persons that he ought to have counted his friends by scores and hundreds; but he was unfortunately afflicted with a temper quick and fiery, and with a manner indifferent and unattractive. Those

who understood him thoroughly, and those only, liked him, and, in spite of his faults, admired him.

He served through the war, but unfortunately was made to fill a bloody grave after its close. Had he lived, his too ardent spirit would no doubt have been softened down by age, and his many noble qualities would thereby have been allowed ampler scope to achieve that greatness which is never thrust upon the unpopular.

Everybody loves praise. It is not often one is disposed to object, even when the commendatory plastering is done rather thickly and heavily. Singular as it may appear, but not the less true for all that, an indifference was exhibited, and much of it felt, by a member of the legislature, to newspaper panegyric; except, indeed, when he thought it was too strongly seasoned, and then he most emphatically noticed and objected. That man was

STEPHEN W. HARRIS,

of Madison. With a portly and commanding person, an erect and dignified bearing, and a fine face, he never failed to attract attention; and his genial and sprightly conversational powers, his purity and elevation of thought, his consistent piety, and his broad loving-kindness, gave him an unending hold upon the hearts of those who knew him well. To come upon him suddenly amid a crowd, was like meeting a clear blink of sunshine breaking through a cloud-rack.

There was an anonymous writer engaged in making pen and ink sketches of certain of the members for one of the Montgomery dailies. A sketch of Col. Harris appeared. There was nothing remarkable in that; but there was something remarkable in the way he received the compliment. He was horrified—the word is used deliberately; no other will adequately express the state in which he was placed by the publication. He came to me in the greatest tribulation and asked me to write to the editors of the Huntsville *Democrat* and *Southern Advocate* and request them not to reproduce the sketch in their papers. The eulogy, he said, was unmerited; and parts of it, in its application to himself, were simply ridiculous; as, in his few weeks of public life, he never had made the least show of the traits of either "orator or statesman," even if he had them; which Heaven

knew there was no ground for believing. The sketcher, however, although some of his epithets, under the circumstances, may not have been in the finest taste, was much nearer right in his estimate, than was the object of it. Col. H. *was* possessed of the material out of which distinguished men are made; and with life, inclination and less modesty, he would have been one.

The icy fingers of the great Destroyer were never laid upon a purer and nobler man.

Every legislative body has, of course, some members possessed of more assurance than brains—not that their supply of the latter important article is especially small in every instance, but that their supply of the former is most bountiful. There were two or three of these in the House. Of one, who took the floor, during what might be termed a "hush" in legislative proceedings, erected his crest, and deliberately turning, looked, for about three minutes, upon the upturned and expectant faces around, with wonderful self-complacency, and with a sort of gaze-upon-one-and-die-air, and whose words, after so august a blaze of silence, were few, and rather "stale, flat and unprofitable."

A. B. MEEK,

of Mobile, said: "On the whole, Puff made a splendid speech; whatever might be thought of the *talking* part, all must admit that the *looking* part was most profound, and, in the highest degree, eloquent and impressive."

Meek was Speaker of the House. He was a man of commanding presence, near six and a half feet high, well formed, and graceful in his movements, with a fine head, and a mild face. He was an excellent presiding officer. It is true he was not at all times as decided in his rulings as he might have been perhaps; but there was, on his part, such an evident disposition to deal fairly and honestly, attended and brightened by so much suavity and kindness, that his mistakes were generally overlooked, or unnoticed. To the younger members he was especially considerate and indulgent; and nothing pleased him better than to draw a speech from one, who chanced to be modest and backward—his pleasure from the operation being increased in proportion to the happiness of the effort.

He died about the close of the war.—Meek was Alabama's

finest, if not her only true, poet. His poetry, too, is peculiarly Southern. It is as highly colored and richly flavored as the fruits and flowers of the South, as genial as its breezes, and as pure and brilliant as its sunshine and skies. His "Charge at Balaklava" was attributed by a part of the English press to Alexander Smith, the author of the Life Drama, and was pronounced by it superior to the "Charge of the Light Brigade," by Tennyson.

ROBERT J. LOWE,

of Madison, was the youngest member of the House and was endowed with much sprightliness and versatility of mind. He was a high-toned, cultivated gentleman. Although fully able to make his mark, he never took a very active part in discussions. Some remarks, made by him against time, once created considerable amusement. It was near the close of the session. A bill was being considered making some woman a free dealer. The opposition to it had gradually weakened, as the matter was one that the members cared but little for; and it was about to pass, when Lowe took the floor against it. He saw that in some thirty minutes, the hour for the special order would be reached; and he determined, if possible, to hold the floor for that time. It was no easy matter, as all that could be said against the bill had been said over and over again. He commenced a speech, which, as he proceeded, though out of order from beginning to end, trimmed the edges of it so closely, and was withal so sprightly and full of anecdote, with occasional touches of so much beauty, that the friends of the measure forgot themselves, and suffered him unchallenged to carry his point.

Lowe resided in Huntsville—a city quick to recognize merit in her sons, and quick to honor it. Her young men were not forced to await the coming of wrinkles and gray hairs, for opportunity to achieve success in their respective callings, but when found worthy, she ever took them up, and assisted them with a heartiness which left no room for failure. She thus became the mother, or foster mother, of many of the most distinguished men, who have adorned the annals of Alabama. Truly may Huntsville be proud of her children,—and they have every reason to be proud of her,—proud of her imperial beauty,—her broad and well paved avenues fringed with stately trees,—her clear running

streams,—her closely-drawn girdle of mountains,—her splendid public buildings,—her elegant private residences,—her fine, working schools and churches,—and above all her well-earned reputation for generosity, refinement and public spirit. The Reverend F. A. Ross most aptly described this gem of a city, when he characterized her, as being made up of "streets of roses and houses of intelligence." Ah! Huntsville! beautiful Huntsville!—My home once,—my home in that good old time forever lost in "clouds of blood and flame,"—I can say of thee what Paul Fleming said substantially of Interlaken,—the sun of a rich autumn evening was setting, when I saw thee for the last time; but the sun of life shall set ere I forget thee!

Lowe's, indeed, was a little life "rounded by a sleep." He had scarcely more than entered upon the years of vigorous manhood, when he was cut off. He died with the Confederacy,—fortunately, however, it was not among strangers, unfriendly and alone, as was the fate of so many of our other gallant soldier-boys, that he breathed out his life; but in a peaceful home, blessed with every care and attention that could be bestowed by wife and sisters and brothers and friends.

IX.

A notice of two or three other so-called "characters," or, according to Ben Jonson, humorsome persons, among the membership of the House during the two sessions has been promised. They are now given, and are fitly styled "The Rough Diamond" and "The Growler."

THE ROUGH DIAMOND.[11]

No! it would be a mistake, but little short of a crime, to pass him by without some notice here.

He was a prominent figure among these legislative characters.

[11] It may be well to say here that in these sketches, where portions of speeches of members are given, the exact words in every instance, of course, are not used—that being impossible from mere recollection. No injustice in this respect, however, has been done any one—words having never been attributed to a party with any other view than to set forth strongly some peculiar characteristic, that all might be able to judge truly of him—and this has only been done when absolutely necessary for such purpose.

The Lord of the Highlands "eke was he"—the proud bird of the mountain whose plume was never torn, at least in his own estimation.

He was about forty-five years of age, rather rotund in person, with dark hair and eyes, and a face ruddy and good humored. With but little information and less education, he was always listened to with pleasure by the House, because of the impudence, superlatively sublime, with which he was abundantly gifted, and which never failed to show itself in every portion of his remarks upon any subject. His character was a perfect jumble of inconsistencies and contrarieties. He was simple-minded and vain, genial and shrewd, honest and demagogical.

His speeches upon a measure were sometimes, indeed generally, made in supreme disregard of "time, place and circumstance." Anything that was suggested to him came out, whether in point or out of point. In remarks upon a railroad bill, for instance, no one was surprised when he left the subject and launched out after this style:

"My county, sir, is a great county. It is a land of rugged rocks and sturdy trees, and equally rugged and sturdy men. There is nothing within its limits to produce luxurious desires, or beget effeminate tastes. All live by the sweat of their brows. Like them, I have been a hard worker since my boyhood. I am almost without education—what little I know has been accidentally picked up here and there. What I am I owe to no man. Upward, slowly, but steadily, I have worked my own way. Solitary and alone, sir, I set *this ball in motion.* Thanks to strong hands and legs and back, and although I say it myself, who perhaps ought not to do so—a cool head, I am now here among the magnates of Alabama."

He was interrupted here by some one rising and suggesting to the chair the irrelevancy of such remarks to the matter under consideration.

"Well, sir, I am opposed to this railroad scheme. Its friends are making a great noise over it, and show no consideration whatever to the feelings of those who do not agree with them. They are like the Pharisee of old, who thanked God he was not as other men. This vaunting, domineering spirit won't serve their turn. They will accomplish nothing by it. 'Pride goeth before

destruction and a haughty spirit before a fall.' It is the great root of all vices. It hurled Lucifer from Heaven. It drove Adam from Paradise. It set to work the Babel-builders, and brought about the confusion of tongues—an evidence of the great misfortune of which is to be seen in the remarks of some of the gentlemen upon this floor, whose scraps of Latin, French and other outlandish gibberish, render them at times wholly unintelligible to plain, unlettered men like myself."

He was again interrupted by a member submitting that pride had nothing to do with railroads.

"Yes, the gentleman's proud stomach can't stand the wholesome bitter of the physic. He is one of those fancy members, to whom I have just alluded—one, who so words his remarks as to make them dark to me, and to such as I am. And he does the same with some of his bills. Their sense is lost in words—words. These are the grasses concealing, perhaps, dangerous things; but I look closely and sharply; and whenever I see a snake there, I knock it on the head, sir—I knock it on the head. But I will return to the subject as the gentleman desires. I should oppose this bill solely for the reasons given (he had forgotten to give any); but, sir, my principal ground of objection to it is—"

"That it don't run through your county and locate a depot in your backyard," shouted another teaser.

If he opposed a tax bill, it was because he objected not only to certain features of the bill, but because his people didn't like to pay taxes—no more did he. Indeed, although for more than one session a member of the legislature, he was never known to vote for a revenue bill.

Unfortunately these imperfect specimens furnish but faint traces of that simplicity, geniality and harmless vanity, which gave point to all he did, and perhaps still more feebly display that singular—that unique trait which, while it made him, like the demagogue, do certain things for popularity with his constituents, would not allow him, like the demagogue, to conceal the motive.

If living, his county has in him a most valuable and trustworthy citizen; if dead, it has lost one—and so has the State.

THE GROWLER.

People may sometimes disguise it, but they have respect for a Growler—a respect considerably heightened, when he is honest and conscientious. Generally such an one, instead of making himself disagreeable to those about him, renders himself vastly entertaining. There was one of these excellent "Grimwigs" in the Legislature of 1857-8. He was past the middle age and strongly built, and his every facial line and look, and every motion, were most expressive of his disposition and character. With him, as a legislator, the transaction of the business of the State with the greatest speed consistent with thoroughness, was everything. He believed in trudging, with ceaseless energy, along that dusty highway, until the journey was accomplished—no loitering by the wayside to enjoy a cooling shade, or cull a fragrant flower. Speeches of any sort he regarded with little favor; he murmured at short ones—he grumbled at long ones—and when they were not only long, but unsolid, his growlings were deep and wrathful. Disgust ineffable attended his detection of the faintest shadow of demagogueism, or trickery on the part of any of his colleagues—a disgust which was never concealed. His mutterings and gruntings were addressed to no one—indeed, he seemed to be unconscious of them himself,—and although in suppressed tones, were ordinarily loud enough to be heard by those immediately around him.

With him a member making a high-sounding speech was "a peacock spreading his plumes to attract the admiration of bystanders, except for show, of little worth;" and one engaged in explaining a measure, which he, Grimwig, thought too plain to require explanation, was "Trying to get his name in the papers, and thus befool his constituents into the notion that he was strict in his attention to their interests; on the contrary, he was lengthening the session unnecessarily, thereby taking money out of their pockets, as well as boring those so stupid as to listen to him."

He interrupted a gentleman talking to him on business, one day in his seat, by the abrupt remark:

"Ladies in the hall."

"How do you know? I see none," was the reply.

He pointed to one of the members—very handsome—who had just taken the floor.

"That's my indicator," he said. "He's the thermometer, by whose motion alone I am always informed of the presence of beauty's fervent blaze."

> "The *warmth* from lovely woman's eyes,
> Doth make that man mercurial rise."

It is proper to add, by way of parenthesis, that ladies were in the hall. They occupied seats in the gallery, immediately over old Growler's head, and while invisible to him and his companion, were in full view of the handsome speaker on the other side of the House.

Reference has been had to his wrathful impatience of any course that savored of trickery—anything, in short, done for mere popular effect. This was most frequently and ludicrously called out by any opposition to bills appropriating money for necessary purposes. His *sotto voce* comments then were as bitter, and often as sharp as those of Sir Mungo Malagrowther. They sprang, however, from a noble spirit, which could never be affirmed of the sayings of the old Scotch courtier.

A bill was introduced asking for a small appropriation to repair certain public property which was going to waste. It was opposed, and a speech made against it. Said the opposer:

"The wall, Mr. Speaker, should not"—"Ah," muttered old Growler, "you don't want the wall; you prefer the *catterwaul.*"

"I have set on my seat"—"Yes, you have sat, and have *hatched* opposition to a necessity, and now you are *clucking* to your followers. Do let us have your concluding *cackle,* and be—zounds to you."

During the early part of the session of 1859-60, the House Committee on Federal Relations reported a series of resolutions condemning Douglass's squatter sovereignty dogma, which excited an animated discussion. The report was made through

DAVID HUBBARD,

the chairman of the committee, who advocated their adoption, in a speech marked with the simplicity of style and strength of argu-

ment, for which he was noted. "The old Major," or "Uncle Davy," as he was designated by his friends—for he had reached his three score and ten—was a man of great vitality. He was richly endowed, too, with mind—mind wanting in polish, but by no means wanting in vigor. It was like a piece of sculpture by Michael Angelo, rough, but full of power. One of the speakers in the debate, not inaptly, likened the whole man—using the language of Carlyle—to "some castle of a feudal age, time worn and battle-scarred, but grand in its massiveness and black-frowning strength."

Smith, Rice and others, sustained the action of the committee; Forsyth, Clitherall, etc., opposed it. The speeches of all were able. Forsyth did his best, and those who knew him do not require to be told what that best was. A friend and admirer of the "Little Giant," he defended him valiantly against all charges; and, after exhausting argument in an effort to prove the soundness of Douglass's political opinions, he reached out to show the necessity of a firm alliance between the South and West—the first and surest step toward which would be accomplished by the former taking up this great representative man of the latter; a firm alliance, to stay the East in its persistent attempts, by cunning thievery, to live upon the results of their toil and labor, and by deeply laid schemes, to destroy the principles upon which the government was founded.

During the debate upon these resolutions a member, after replying to the arguments tending to show that there was no substantial difference between the squatter sovereignty position of Douglass and that of the black Republican party, attended with the statement that between him and a candidate of that party, a Southern man could have no choice, jocosely remarked:

"Not have a choice! Not have a choice, sir, between the two! This is all stuff. Sir, were his Satanic Majesty to die, and were I allowed to vote for his successor, provided one had to be elected, I should have a choice between the several aspirants." He was interrupted here by some one asking him what office in Pandemonium he would expect in the event of the success of his candidate.

"That of doorkeeper," was the immediate response, "that of

doorkeeper, to admit the gentleman promptly, when he presents himself and knocks."

I have said that a prominent part was taken in this debate by

ALEXANDER B. CLITHERALL,

or the "versatile Aleck," as Jonse Hooper was accustomed to call him in the *Mail.* With his name comes up a multitude of associations pleasant and sad. He, in his prime, was taken from the earth, after long and painful disease and suffering. He was my friend—for many years, and during dark, dark days, my intimate friend; I can scarcely write of him as he really was. The fear—a natural one under the circumstances—that others, who knew him but as men are ordinarily known to one another, might regard my estimate of his worth, as overstrained, ices my pen; and I am likely, indeed certain, to fall into the opposite error of doing less than justice to his excellences of head and heart.

His intellect was bright and quick. Almost without an effort it seemed to seize hold of and illumine every part of a complicated question, enabling him at once to present to others his conclusions with great clearness. And he was as witty, and as happy at repartee, as Sydney Smith. No "quip modest," nor in fact, any other sort of quip, was ever directed at him, which did not meet with an immediate "retort courteous;" and the retort was generally the more effective of the two. His witticisms were sometimes characterized by all the keenness of edge and deftness of management of the scimeter of Saladin in dividing the cushion—sometimes all the downright sheer force of the sword of Cœur de Lion in cleaving the iron bar. And yet such hearty good humor accompanied the strokes—emphatically "strokes of pleasantry"—that they never left a wound behind them. If one was at any time inflicted, like that received by Piercie Shafton in the glen of Cora nan Shian, it was instantly healed by this "White Lady" of the heart.

Although before Clitherall's death, years had silvered his hair, he retained in a singular degree his youthful freshness of feeling.

> "A mirthful man he was—the snows of age
> Fell, but they did not chill him. Gayety,
> Even in life's closing, touched his teeming brain
> With such wild visions as the setting sun
> Raises in front of some hoar glacier,
> Painting the bleak ice with a thousand hues."

He was full of merriment, indeed some thought he had rather too much; but it should be said that beneath all this glittering effervescence was the purest wine of generosity, courage and integrity, joined with a love for his friends as strong and lasting as life. Many were benefited by his virtues—none, save himself were injured by his faults. Let the latter sleep and former be cherished.

x.

During the session of 1859-60 the political outlook for the South continued to grow darker and darker. The probabilities of more serious troubles ahead, began to approximate certainties; and efforts were made in the Legislature to prepare the State for any emergency that might arise. Bills were passed to provide for the efficient military organization of the State; to incorporate military colleges and academies, and to foster and encourage those in being; to establish an arsenal; to incorporate military companies by scores and hundreds. Joint resolutions were also adopted for arming and disciplining the militia; and finally the momentous step, by joint resolutions, was taken, authorizing the Governor, in the event of the triumph of the Republican party in the approaching Presidential election, to call a convention of the people of Alabama, for such action as the occasion might demand.

The adoption of these convention-calling resolutions was the last, as well as the most important and far-reaching work of the House Committee on Federal Relations. They were adopted February 22, 1860, just five days before final adjournment, and were approved by the Governor on the 24th. After their adoption the chairman asked for the discharge of the committee, which was granted. The vote upon the adoption of the resolutions stood, ayes 75, nays 2. The two negative voters were A. Q. Bradley, of Perry, and N. L. Whitfield, of Tuscaloosa.[12]

A. Q. BRADLEY AND N. L. WHITFIELD

were popular in the Legislature and out of it. The former was a physician and the latter a lawyer. They were gentlemen of considerable culture, strong-minded and genially mannered. The

[12] House *Journal*, 1859-60, pp. 473-4.

leading friends and advocates of Southern Rights in the House were desirous of securing a unanimous vote in favor of the resolutions for calling a convention, and because of this fact, and because of the good standing of Messrs. Whitfield and Bradley, would have been glad of their co-operation and assistance. Dr. Bradley gave as a reason for his vote, that, in his judgment, the action contemplated in the resolutions, on the part of the State, would be "revolution." The fact is, no doubt, Dr. Bradley was opposed to secession. The same was true perhaps of Mr. Whitfield—he, however, made no explanation of his vote.

There were, as is well known, other leading men in Alabama—not many, however—who entertained political views similar to those here supposed to have been held by Dr. Bradley and Mr. Whitfield, and one of them—indeed the chief of them—was from the latter's own county—Tuscaloosa. I allude to

ROBERT JEMISON.

In speaking of these men, it should not be overlooked, that the greater part of them were anti-secessionists only until the State had seceded; when that had been done, they stood by her manfully, and to the bitter end. Willis Brewer in his "Alabama," pointedly and deservedly says: "Among the citizens of Tuscaloosa, Robert Jemison stood like Saul among the children of Kish—a head and shoulders above his brethren." Indeed there is no exaggeration in stating that Mr. Jemison was the peer of any man of Alabama in ability, integrity and patriotic devotion to his country. Mr. Jemison, as previously intimated, labored assiduously and persistently to prevent Alabama from withdrawing from the Union; but when the inevitable step had been taken, he did not hesitate,—no, he went with her heartily, boldly, unreservedly; and in the days of her sorest trials and troubles, he gave her all the assistance and encouragement in his power. Not only was his best public services always at her command, but much of his large property was devoted by him to the relief of the suffering and proverty-stricken men, women and children of Alabama.

I shall close this paper with two short extracts from Speaker Meek's excellent address in adjourning the House at the end of the session of 1859-60. In opening his remarks, he said: "Yet whatever difference of opinion may arise as to details, it cannot

be denied that the action of the present General Assembly will constitute an era in the history of Alabama. Without referring to minor matters, it may be safely said, that more has been done by this than any previous Legislature for the great cause of internal improvements. We have initiated measures by which the iron pathways of commerce and communication are to be laid down through all parts of our State; by which the mountain barriers of the North are to be overleaped by the fire-horse, and the sands of the South are to glitter in the light of his flashing eyes; by which the wilderness and the waste places are to be made populous and glad; by which the beautiful valley of the Tennessee is to clasp hands with the sunny shores of the Gulf; by which the rich mineral treasures of the interior are to be unlocked from the coffers of nature, and poured, with the opulent agricultural products of our soil, through improved and cheapened channels, into the markets of the world; by which the impediments to navigation are to be removed from the harbor of our Emporium, so that the tallest vessels may float in ease and safety at her wharves, thus relieving our cotton planters from a tax of several hundred thousand dollars annually; and by which the unity of the State, so anxiously desired by the framers of her Constitution, and so essential to her prosperity and sovereignty, shall be thoroughly secured and permanently established. What we have done for education must also redound to the prosperity of the State. Several important military institutions have been established, and a military department has been created in our university, so that our young men may unite the acquirements of the soldier with those of the citizen."

Speaker Meek, in concluding his remarks, thus touchingly alluded to C. M. Jackson, the Speaker of the House at the session of 1857-8: "We shall not all meet again. We have this day a solemn admonition of the uncertainty of life in the sudden death of one who presided over this body at the last session with a dignity, fidelity, and amenity of manner, which won the hearts of his fellow-members, and gave his name an enviable position in the history of our State. Crawford M. Jackson is no more; and his unexpected death, while it so forcibly impresses us with a consciousness of the mutability of human hopes, should strengthen and sanctify the bonds of friendship which have been established here!"

V. HENRY TUTWILER, AND THE INFLUENCE OF THE UNIVERSITY OF VIRGINIA ON EDUCATION IN ALABAMA.

By Thomas Chalmers McCorvey,* Professor of History and Political Economy, University of Alabama.

A few years ago a well-known Northern architect, on the occasion of a professional visit to Tuscaloosa, the former capital of Alabama and now the seat of two great State institutions, was invited to deliver two or three lectures on architecture before the students of the University of Alabama. In the course of one of these lectures he took occasion to say that he had seen as pure Greek porticoes as he had found anywhere in America in what he was pleased to call "the old colonial homes of Tuscaloosa." As he did not then know the genesis of the architecture which he so much admired, he naturally felt some surprise at its existence in a little city of which he had before known nothing, and which during the more than three-quarters of a century of its life[1] had, at that time, hardly outgrown the proportions of a village, although it is now becoming a prosperous and growing center of trade and manufacture. The source of the architectural beauty which this observant visitor noted in Tuscaloosa homes can be easily traced, and it has a genuine historical interest.

On the 22nd of March, 1828, the trustees of the University of Alabama selected as the site for the institution a level plateau about one mile and a half east of the court house of Tuscaloosa, the location being made on lands contained in the original congressional grant to the university. At the same session of the board of trustees, two days later (March 24, 1828), plans for the several university buildings, which had been previously submitted

* For sketch of Prof. McCorvey, see *Trans. Ala. Hist. Society*, 1899-1903, vol. iv, pp. 141, 142, *note*.—Editor.

[1] For the beginnings of Tuscaloosa *see* Professor W. C. Richardson's sketch in *Northern Alabama*, p. 506 *et seq.*; William R. Smith's *Reminiscences*, pp. 13-16; Brewer's *Alabama*, p. 549 *et seq.*; and Thomas Maxwell's *Tuscaloosa: the Origin of its Name, History, etc.* (1876.)

by the architect of the board, were formally accepted.[2] At that time there was, in the opinion of the leading men in the State, and especially of those who had come to Alabama from Virginia, one model for college buildings worthy of special consideration. The University of Virginia had only three years before, in 1825 thrown open its doors to students; and it was but natural that the plans for the buildings of the new University of Alabama should have been to some extent influenced by the classical architecture which Thomas Jefferson had copied from well-known Roman buildings for the institution which he had founded.[3] And so it happened. While the plans for the buildings of the new institution were by no means servile imitations of those of the somewhat older university, the classical spirit which they breathed was the same. The "Rotunda" (the public hall and library) of the University of Alabama, with its lofty Ionic peristyle, held the same central place in the buildings of that institution that the Roman Pantheon, reduced by Jefferson to one-third of the original, held at the University of Virginia. Again the old "Lyceum," containing the lecture rooms of professors, laboratories, etc., and later the president's mansion[4] and other buildings of the University of Alabama, presented the same classic features that Mr. Jefferson, who was in his day "the cynosure of classical taste," had impressed upon the University of Virginia.

It was to be expected that the wealthy planters and professional men who, in the third and fourth decades of the past century, were attracted to Tuscaloosa, then the political as well as the educational center of the State, should have been impressed with the classic elegance of the University buildings; and that there should have appeared in the homes which they built what Goldwin Smith, in another connection, somewhat sneeringly calls "that domestic architecture which presents the front of a Doric temple with fam-

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[2] *Ms. Record of Trustees*, vol. i, pp. 59-60.

[3] Herbert B. Adams's *Thomas Jefferson and the University of Virginia*, pp. 18-19 and 100-1.

[4] This fine old residence, which escaped the destruction of most of the other university buildings in 1865, was erected at a total cost of $23,000. The first appropriation for $5,000 was made Dec. 20, 1838; the next for $10,000, Dec. 16, 1839; and the last for $8,000, Dec. 20, 1840. See *Ms. Record of Trustees*, Vol. i, pp. 262, 274 and 287.

ily and culinary developments in the rear."[5] Here is unquestionably the main historical influence which accounts for the several handsome homes with Greek temple porticoes to be found to-day in Tuscaloosa. While the fortunes of war, in 1865, destroyed the original university buildings,[6] and others not of the same orders of architecture have taken their places, the classic influence of Thomas Jefferson and of the University of Virginia is still manifest in the domestic architecture of Tuscaloosa.

But it was not in brick and stone and mortar that the University of Virginia made its most important impress upon the newer institution, or upon the cause of education at large in Alabama. It happened that in the choice of a faculty for the University of Alabama there came to that institution, in 1831, fresh from the University of Virginia, a young man who for more than half a century was to be the most prominent figure, in many respects, in the educational history of his adopted State—Henry Tutwiler, the first professor of ancient languages in the University of Alabama, and afterwards the founder of the famous "Greene Springs School for Boys." The method of his selection and that of his colleagues in the first faculty of the University of Alabama has escaped mention in Clark's "History of Education in Alabama" and other local publications; but it has come to light in the publication of a comparatively recent book, *James G. Birney and His Times,* by William Birney, ex-Brevet Major General, U. S. V.

Some time ago there fell into the hands of the writer of this article a number of stained and time-worn documents bearing dates, University of Virginia, October 9-15, 1830, and severally signed by Robley Dunglison, chairman of the faculty; George Tucker, professor of philosophy; John P. Emmet, professor of chemistry; Gessner Harrison, professor of ancient languages; R. M. Patterson and others, recommending Henry Tutwiler for the professorship of ancient languages in the University of Alabama. Attention was at once directed to the fact that all of these testimonials were addressed to James G. Birney, who was in his

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[5] Goldwin Smith's *The United States; an Outline of Political History,* p. 137.

[6] For a brief account of the destruction of the original university buildings, see *"Southern Cadets in Action,"* by T. C. McCorvey, in the *Century Magazine* for November, 1899, pp. 152-3.

young manhood a prominent citizen of Alabama and a resident of the city of Huntsville, and who afterwards removed to the North, becoming an aggressive anti-slavery agitator and the first abolitionist candidate for the Presidency on the Liberty party ticket in 1840. As the *printed* records of the University did not show that Mr. Birney ever held any official connection with the institution, it did not immediately appear why these testimonials should have been addressed to him. The explanation, however, is given in the book above referred to[7], and can also be found in the manuscript records of the board of trustees, preserved in the archives of the university. When in the summer of 1830, the trustees resolved to elect a faculty for the new institution, they unanimously requested Mr. Birney to visit the Atlantic States on their behalf for the purpose of collecting and laying before the board at its next meeting all the information which he could procure as to the qualifications of persons willing to accept the professorships and the presidency.[8] The request was communicated by Governor Gabriel Moore, accompanied with a private letter urging him to accept. In the performance of this duty, Mr. Birney, in August, September and October, 1830, made the rounds of the leading American colleges, and the *ultimate* result of his tour was the following recommendations to the trustees of the University of Alabama: Rev. Alva Woods, D. D., president; Gurdon Saltonstall and William W. Hudson, professors of mathematics, natural philosophy and astronomy; John F. Wallis, professor of chemistry, mineralogy and geology; Henry Tutwiler, of the University of Virginia, professor of ancient languages, and Rev. Henry W. Hilliard, professor of English literature.[9] That Mr. Birney "aimed high" in all of his recommendations is shown by extracts from his journal reproduced by his biographer

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[7] *James G. Birney and his Times*, pp. 91-95.

[8] The resolution embodying this appointment was passed July 1, 1830. See *Ms. Record of Trustees*, vol. i, p. 92. On the next day the following resolution was passed: "Resolved that the sum of five hundred dollars be paid James G. Birney in advance in part payment of his services as agent." On Nov. 21, 1830, an additional appropriation of four hundred dollars was made to Mr. Birney. *Ibid*, p. 95.

[9] It appears that Mr. Hilliard was not elected until December 22, 1831, at which time also Professor S. F. Bonfils was elected to the chair of "French, Spanish and other modern languages." See *Ms. Record of Trustees*, Vol. i, p. 138.

in the volume already referred to. He "entered into negotiations at New York with Theodore D. Woolsey, afterward professor and president at Yale."[10] It does not appear what position he urged upon Mr. Woolsey; but it is evident that his "negotiations" in this case proved fruitless, as in several other cases where offers were declined either because of previous engagements or disinclination to make homes in the South.

The trustees of the university unanimously voted a letter of thanks to Mr. Birney for his services in the election. To us of to-day it may appear odd that a board of trustees of a great State institution should have delegated such plenary authority in the selection of a faculty to a single man who had no official connection with the institution. The explanation is probably found in the fact that at that time Alabama was virtually a "frontier State," and that college-bred men, supposed to know the requirements for college professorships, were not numerous within her borders. The practical men of affairs who constituted the board of trustees were quite willing to put the responsibility of good selections upon a college man in whose character and ability they had the most perfect confidence. The wisdom of the board in delegating the work to Mr. Birney, a graduate of Princeton and a faithful friend of the cause of education, was amply justified in the selections which he made. At this distant day we owe a debt of thanks to that board and its agent for the methods adopted in making the selections—for the fact that they did not permit any local political or other "pull" to fill the chairs in the new institution, but looked the country over for the ablest available men. It is perhaps worthy of mention in this connection that the policy of "aiming high," established in the selection of the first faculty of the university, was followed in some instances, at least, by later boards of trustees—notably in the case of the poet, Henry W. Longfellow, who, in 1839, was invited to the chair of modern languages in the institution.[11]

It was the testimony of the students enrolled at the opening of

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[10] *James G. Birney and his Times*, p. 94.

[11] In a letter to his father dated New York, August 2, 1839, Mr. Longfellow wrote: "By the way, I had yesterday the offer of a professorship in the University of Alabama at Tuscaloosa. I declined and recommended S———. Good climate and two thousand dollars a year." See *Life of Henry Wadsworth Longfellow* by Samuel Longfellow, Vol. i, p. 341.

the University of Alabama that the most notable man in the first faculty of the institution was the young Virginian—the earliest of the finished products from the realization of Jefferson's great university dream—Henry Tutwiler. The late William Russell Smith, one of the foremost of Alabama publicists of the past generation, who was one of the first students to matriculate in the new university, says:

"Professor Tutwiler was altogether the most noted and marked of the first corps of professors. He was then a delicate stripling of a youth, in appearance as timid and modest as a woman—so gentle in his demeanor and so graceful and apt in his mode of imparting instruction that every boy fell absolutely in love with him. * * * * It is not too much to say of Professor Tutwiler that he was a whole faculty within himself, even at that earlier period of his life; and that he was as much at home in the chemical laboratory as he was in his own room with the classics. He was familiar with all the sciences, and always at work. He was handy with the telescope, and he knew the heavens. * * * * Professor Tutwiler had not about him a particle of personal aspiration for place or power. The idea of ambition was lost in the vast expansion of his great mind. There was no room in his intellect for so brawling a thing as ambition; and it would seem that he had no use for learning except for its quiet enjoyment and for the delight it gave him to impart it to others."[12]

It is interesting to note the sources of the scholastic culture which the young Virginian brought to Alabama, and which, through his long life in the lecture room, he diffused throughout his adopted State, and largely throughout the whole Southwest. The story of the selection of the members of the first faculty of the University of Virginia, under whom Henry Tutwiler received his training, is well known in the educational history of the country, and it has been admirably told in Dr. Herbert B. Adams's *Thomas Jefferson and the University of Virginia*, published by the United States Bureau of Education. Through the influence of Mr. Jefferson, four young Englishmen were called to professorships in that university at its organization, some of whom in after years returned to England to win high rank among the scholars of the mother country. "Although no Anglo-

[12] William R. Smith's *Reminiscences*, vol. i, pp. 228-9.

maniac," says Dr. Adams, "Jefferson recognized that kinship of ideas, English antecedents, habits and manners, and, above all, a good knowledge of the English language, were important considerations."[13] Probably in no other instance did Mr. Jefferson give truer evidence of his greatness than by divesting himself of his political prejudices in this matter of selecting a faculty for the new university. Although "he hated England with intense bitterness"[14]—probably in some measure a race prejudice inherited from his Celtic (Welsh) ancestry—he was able to put aside this feeling in recognizing what were the true needs of the institution which owed its existence to his efforts.

The story is told, where I do not now recall, that on one occasion it was suggested to Mr. Jefferson that able scholars could be procured for the professorships in the new university from the New England colleges. He replied that he could never entertain the idea of depriving those colleges of any of their distinguished professors; but privately he told some friend that he did not wish to have any "Connecticut Latin" in the University of Virginia. Whether the story is apocryphal or not, it serves to point an important fact in the educational history of the South. The stream of learning which, breaking over the boundaries of the Old Dominion, reached and enriched the newer fields of the Southwest did not have its source in the then educationally narrow colleges of the North; but it came direct from the great fountain-heads of the intellectual life of the English race—from Oxford and from Cambridge.

Of the four English professors who were called to chairs of the University of Virginia in its original faculty—George Long, Thomas Hewett Key, Charles Bonnycastle, and Robley Dunglison—it as probably the first mentioned, Mr. Long, who impressed himself most upon the earliest students of that institution. The classical department of the University of Virginia has never lost the prestige which was given it by George Long. He held the same views as to the necessity of teaching together the history, geography and languages of the ancients which will be found hereafter expressed by his pupil, Gessner Harrison, and

[13] Adams's *Thomas Jefferson and the University of Virginia*, p. 114.

[14] Goldwin Smith's *The United States: An Outline of Political History*, p. 137.

"certainly ancient history never had a more scholarly representative upon American shores than George Long."[15] In 1828, Professor Long was recalled to England to accept a professorship in the new University of London, and for a long and useful life he was recognized as among the very foremost of British scholars and authors. His "Decline of the Roman Republic," in five volumes, and others of his works have become classics in historical literature. For nearly fifty years there was a regular correspondence between the great English scholar and his former pupil and life-long friend, Henry Tutwiler, of Alabama. A number of the letters of this correspondence are now in my possession and some of them possess genuine historical interest—especially one which I some years ago published in *The Nation,* New York, in which, fifty years after the opening of the University of Virginia, Professor Long writes to his Alabama friend giving his impressions of the three Virginia presidents, Jefferson, Madison and Monroe, all of whom he had personally known.[16] A pathetic memorial of the life-long friendship between George Long and Henry Tutwiler is found in the file of Professor Long's letters to his former pupil. It is a short note, written in a hand tremulous with age and disease, and dated Postfield, Chichester, Wednesday, 19th of March, 1879:

"My dear friend:

"I am dying slowly and painfully. My last letter is this, in which I assure you of my remembrance, as long as the poor body shall endure. My best wishes to all your family. Your faithful friend, George Long."

As a matter of fact, the life of the scholar and teacher is uneventful, and there are not many facts to record; it is only the influence of his character and learning which is far-reaching in its importance. The facts in the life of Henry Tutwiler are few and simple; but to tell with any degree of fulness of his work and influence would carry this paper beyond its allotted space. He was born at Harrisonburg, Rockingham county, Virginia, on the 16th day of November, 1807; and he died at Greene Springs,

[15] Adams's *Thomas Jefferson and the University of Virginia,* p. 116.

[16] See "Long's Portraits of the Virginia Presidents" in *The Nation* for October 26, 1893, Vol. lvii, No. 1478, p. 307.

Hale county, Alabama, on the 22d day of September, 1884. As his name indicates he was of German descent. Mr. H. T. Wartman, an old gentleman residing at that time at Citra, Florida, gave in 1899, in a letter of reminiscence to a daughter of Dr. Tutwiler, a glimpse of the parents and boyhood of the Alabama scholar:

"I was named," says Mr. Wartman, "for your grandfather, Henry Tutwiler, Sr., for many years postmaster at Harrisonburg, Virginia. Although but a lad then, I remember very distinctly his familiar face as he sat in his office giving out letters to the people. He was a contemporary of my father, of Dr. Harrison, Father Rohr, Dr. Cravens, and a number of other worthies of the town. He was an active member of the Methodist church, and was a faithful, consistent Christian. I remember the kind, cheerful face of your grandmother, who was a 'crony' of my mother and other members of the band of mothers in the church. * * * * Your father was a student of the University of Virginia before I knew him. He was the pride of his native town, and my father, the editor of the Rockingham *Register,* was always delighted to give publicity to every event in your father's life."

Henry Tutwiler was one of the first students enrolled in the University of Virginia at its opening in 1825, and he was one of the first two students to *earn* the degree of master of arts, although owing to the fact that the degree was not established during his student life at the university, it was not formally conferred upon him until July, 1835. The original policy of the institution in not conferring titled academic degrees was changed in 1831 by the establishment of the master's degree.[17] Owing to the genuinely rigid requirements for this degree, for more than a generation the proudest academic title open to an American student was "Master of Arts of the University of Virginia." Henry Tutwiler was a fellow-student at the university with R. M. T. Hunter, of Virginia; Robert Toombs, of Georgia; Edgar Allen Poe, the poet; Alex. H. H. Stuart, of Virginia; Gessner Harrison, afterwards a distinguished professor in his *alma mater;* and with a number of others whose names are

[17] Adams's *Thomas Jefferson and the University of Virginia,* pp. 153-4.

noted in our country's annals. How well he sustained himself in that brilliant galaxy of students is eloquently told in those time-worn testimonials of the university professors, already referred to. The length of these testimonials precludes their publication in full here; but a few extracts from them, besides giving the impressions which Mr. Tutwiler made during his student life, may have an additional value as suggesting some of the educational points of view of the early professors in the University of Virginia. John P. Emmet, a nephew of the famous Irish patriot, who first taught chemistry and natural history in the university, writing under date October 9, 1830, says:

"I have known this young gentleman [Mr. Henry Tutwiler] not only as a pupil of others, but my own, and I can with confidence speak of his assiduous and industrious habits. There has never been, and probably there will not be for a great length of time, a student of this institution so eminently entitled to approbation of his professors, for no other individual can ever so thoroughly enter upon the examinations. * * * * His general acquirements are more profound, his judgment riper, and his mind altogether freer from conceit and prejudice than is the case with any other young man of my acquaintance."

George Tucker, the first professor of philosophy in the university, and an authority in his day in economics and in cognate sciences, says, under date of October 11, 1830:

"Mr. Tutwiler has been a student of this university for five years, and in the whole time I know of no other whose conduct has been in all respects more praiseworthy and correct. He has invariably been among the foremost, and sometimes the very first, in the several classes he has attended, at every examination, and he has obtained the rare (I think singular) distinction of graduating in six departments. * * * * Besides his acquirements, which are very rarely equalled at his time of life, his moral character is irreproachable, his manners are conciliatory, and his methods of teaching judicious and successful."

The distinguished Dr. Robley Dunglison, then chairman of the faculty, under date of October 12, 1830, says:

"No student who has left the university has possessed such various qualifications as Mr. Tutwiler, for in addition to his being a graduate in the school of ancient languages, he has obtained

similar honors in the schools of mathematics, natural philosophy, moral philosophy, political economy, and law. * * * * When this institution was first established, it was determined by the illustrious founder that the standard of qualifications for a graduate in the different schools should be placed much higher than in other establishments of a similar character in the United States, and accordingly no one has been permitted to graduate in the department of ancient languages who did not possess unusual attainments, not only in the vocabulary of the languages, but in the literary and political history of the states of antiquity. A proper knowledge of *quantity*, a subject much neglected in the colleges of the United States, has also been deemed essential. Through the rigid examinations necessary for graduation, Mr. Tutwiler passed not simply well, but with unusual credit."

Gessner Harrison, the successor of George Long in the chair of ancient languages, who had been a room-mate of Henry Tutwiler in their student life, under date of October 18, 1830, says:

"Both Latin and Greek, under the guidance of a most able Cambridge-taught professor, he [Mr. Tutwiler] has studied as they ought to be studied—in that way which alone can make the time devoted to them to be employed to the highest profit. The language itself—its vocabulary and the construction of its sentences—forms but one part, though an important one, of what a professor of Latin or Greek should teach. The history and geography and other circumstances of the Roman and Greek peoples must occupy a large share of his attention; and he will not think his labors successful unless the pupils leave his instructions imbued with a knowledge of these subjects. He will consider that the language is not to be explained, nor its authors to be understood, but by the aids which a thorough acquaintance with these subjects can alone supply. * * * * Mr. Tutwiler has viewed the subject in this way, and he has the mind, the industry, and the previous requisite knowledge that will enable him to give the best instruction in these languages. * * * * Mr. Tutwiler's industry cannot be surpassed, while his talents are of a superior order; his zeal is unconquerable, and surmounts difficulties by the energy it inspires; his uniformly modest and correct deportment has gained him many warm friends and warded off the attacks of envy."

The testimonial of Professor Robert Maskell Patterson, afterwards the director of the mint in Philadelphia, dated October 15, 1830, is to the same general effect in according a place of preeminence to Henry Tutwiler among the first students of the

University of Virginia. But this document has a special interest in that it brings out the fact, which has never before been made public, that Professor Patterson was offered the first presidency of the University of Alabama, which he declined. The Rev. Philip Lindsley, D. D., president of Cumberland College, which afterwards became the University of Nashville, had been previously tendered the presidency of the University of Alabama by the board of trustees; but he had declined before Mr. Birney went on his mission North[18]—so the latter was commissioned, as heretofore stated, to select a president as well as professors. In the same letter, addressed to Mr. Birney, in which Professor Patterson bears testimony to Mr. Tutwiler's fitness for a chair in the new university, he says:

"Since I had the pleasure of seeing you here, I have reflected much on the subject of the propositions which you made to me with respect to the presidency of the University of Alabama, and I have come to the conclusion that I cannot authorize my name to be presented to your board."

Then follow the reasons for his declination, which it is needless to give here. So it appears, at this late date, from the resurrection of this old document, that the University of Alabama, besides drawing the most distinguished professor in its first faculty from the University of Virginia, tried also to get its first president from the same source. The refusal of Professor Patterson to permit his name to go before the board left the way clear for the recommendation, the election, and the installation of the Rev. Alva Woods, D. D., then president of Transylvania University, at Lexington, Kentucky, as the first president of the University of Alabama.

It was Mr. Tutwiler's inestimable privilege, while a student at the University of Virginia, to enjoy the friendship of Mr. Jefferson, and he was frequently the guest of that great Ameri-

[18] A resolution of the board of trustees passed January 18, 1830, appropriated $20,000 "to purchase a library and philosophical and chemical apparatus under the immediate direction and superintendence of Dr. Philip Lindsley, the president of the university;" and it futher provided that "in the event the said Lindsley should refuse to accept the office of the presidency conferred on him by the board," the same amount should be subject to the order of such other person as may be appointed by the board. *Ms. Records of Trustees,* Vol. i, p. 82.

can at Monticello. Nowhere else do we find so delightful a picture of the interest which Mr. Jefferson felt in the foster sons of his university bantling, or of the simple home life of that foremost statesman of his age, than the address which Mr. Tutwiler in his old age, June 29, 1882, delivered on "The Early Years of the University of Virginia" before the alumni society of his *alma mater.*[19] The following extract from that address, in which reference is made to the objections which orthodoxy urged against the University of Virginia in the beginning loses none of its interest from the fact that Mr. Tutwiler was from boyhood a staunch layman of the Methodist church:

"It is almost impossible at this day to form an adequate idea of the obstacles he [Mr. Jefferson] had to overcome. One of the greatest and most serious was the opposition of a large and respectable portion of the religious community. It is well known that during his administration of the general government, party feeling was most intense and bitter. Each party resorted to the usual and most effective method of giving bad names to the opposite party and its leaders. Thus Mr. Jefferson was called a skeptic, an infidel, an atheist. These names had not been forgotten. When it was known, therefore, that he was about to establish an institution of learning, without a clergyman at its head, with no provision for religious instruction and for enforcing attendance on religious exercises, these charges were revived. Many good people sincerely believed that he was about to establish a school for the purpose of promulgating infidelity. They argued thus: They do not teach religion, therefore they teach no religion, therefore they teach infidelity. It was a simple argument, whatever may be said of its logic. An instance of the intensity of this feeling is within my own knowledge. A most excellent clergyman said to a gentleman who was about to send his son here: 'Much as I love your son' (he had been a favorite pupil) 'I would, this day, rather follow him to his grave than see him enter the university.' * * * * But these fears were soon found to be groundless; and now the university has no abler and more zealous friends and supporters than are to be found in all the Christian denominations, and her alumni are filling with zeal and ability the pulpits of the Episcopal, Presbyterian, Baptist, Methodist, and other churches. It is now well known that in selecting the first faculty, which was done by Mr. Jefferson, no inquiry was made as to their religious beliefs; and if any of

[19] Adams's *Thomas Jefferson and the University of Virginia,* (bibliography), p. 215-6.

them were not believers in the Christian religion, it was certainly not known to students. Mr. Jefferson himself felt and acknowledged that there was a chasm in this separation of secular and religious instruction, but how to fill it, or how to bridge it, without producing more serious evils, was the difficulty. The university was a State institution. The State had no established church, and could give no preference to the creed of any religious sect. The plan suggested by himself, and for carrying out which provision has been made in the enactments of the board of visitors, has heretofore been deemed impracticable, but it may ultimately be found to have in it the best solution to this vexed question in education. We have, says Lord Bacon, 'the book of God's word' and 'the book of God's works.' These two books, being from the same author, must contain the same great truths. Why, then, may they not be taught, side by side, by separate faculties, each devoted to its own field; thus securing the benefit arising from the division of labor, and placing each denomination on an equal footing in the enjoyment of all the rights and privileges of the university? But perhaps, after all, the best solution, has been reached already in the present system, which seems to have grown up under the leadings of Providence, and which has been attended with such happy results. It is based, too, upon the *voluntary* system, which Mr. Jefferson deemed so important in secular education. In no other institution can we find an abler and more zealous set of chaplains than have, from time to time, officiated in the chapel of this university."

The University of Alabama was opened for the enrollment of students on the 18th day of April, 1831.[20] Although this was six days after the public inauguration of Alva Woods as president, April 12, 1831, we have the authority of Judge Smith for the fact that Henry Tutwiler and Gurdon Saltonstall were the only officers of the institution present at the opening, and that "it was not until several weeks after the organization of the classes that Dr. Woods made his appearance in Tuscaloosa."[21] In another connection, Judge Smith also says that "it was unfortunate for Dr. Woods to be brought into contact with Professor Tutwiler,

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[20] A resolution of the board of trustees, passeed April 15, 1831, declares "that the first session of the University shall commence on the 18th instant." See *Ms. Records of Trustees*, vol. i, p. 114. This resolution gives an authoritative correction of the error in the date of opening noted in Clark's *History of Education in Alabama*, p. 37, note 2.

[21] William R. Smith's *Reminiscences*, pp. 205-6.

of whom, before the arrival of the president, the students had grown passionately fond; and who, until the president's advent, had been looked upon as the head of the college."[22] The apparent discrepancy between the date of the inauguration of President Woods and the statements of Judge Smith as to his arrival in Tuscaloosa can no doubt be explained by the fact that after his formal inauguration Dr. Woods returned to Lexington to finish his year's work there before taking up regularly the duties of his new position, thus leaving the examination and classification of students—the actual setting on foot, so to speak, of the new university—to Professors Tutwiler and Saltonstall. Thus Henry Tutwiler, as the senior professor, was the acting president at the real opening of the University of Alabama in 1831.

One of the most noteworthy facts in the history of the University of Alabama is the superiority in culture and attainments manifest in the lives of the little group of students enrolled in the first few years of the institution; and according to the testimony of Judge Smith and others, they received their greatest inspiration from the teachings and life of Henry Tutwiler. During the six years that he filled a chair in the university, Professor Tutwiler had as his pupils Jeremiah Clements, author and Federal senator; Oran M. Roberts, governor of Texas; Alexander B. Meek, poet and historian; Clement Claiborne Clay, Federal and Confederate senator; William Russell Smith, author, member of Congress and political leader; Sydenham Moore, soldier and statesman; George D. Shortridge; Franklin W. Bowden; Burwell Boykin; James D. Webb; John Edmund Moore; M. A. Baldwin; and scores of others who were foremost among the torch-bearers of literature and learning in the first half century of Alabama's statehood. It does not require any argument to show whence came the knowledge of ancient history and classical literature which is evidenced even in the earliest writings of Jeremiah Clements, William R. Smith, and Alexander B. Meek, some of whose productions, while still students of the university were favorably received by the public.

The most brilliant of Professor Tutwiler's colleagues in the first faculty of the University of Alabama was the Rev. Henry

[22] *Ibid*, p. 208.

W. Hilliard, who filled the chair of English literature from 1831 to 1833, and who was afterwards United States minister to Belgium, member of Congress, and United States minister to Brazil. The quiet shades of academic life had no special charm for Mr. Hilliard, and he resigned his professorship to enter the more exciting arenas of law and politics. He became a foeman worthy of the steel of the peerless secession orator and leader, William L. Yancey; and the names of the two are indissolubly linked in the political history of Alabama. So unimportant did Mr. Hilliard consider the academic digression in his life, that he ignores it altogether in his "Politics and Pen Pictures"—a delightful book of personal reminiscences which he begins with the memorable Harrison-VanBuren campaign of 1840. Probably a more striking contrast could not be presented than that between the characters and careers of these two of the first professors in the University of Alabama—Henry Tutwiler and Henry W. Hilliard. The one was modest, retiring—shrinking almost from the world's gaze—at home alike with the sages of antiquity and with the most recent progress of modern science, but content to make the occupants of the narrow walls of his lecture room the medium through which he was to reach distant homes and may be distant generations: the other was brilliant, ambitious, fond of the applause of the multitude, keen, polished, and eloquent in debate, a leader of men and of parties, and he won and proudly wore the pomp and circumstance of worldly honors. Both were successful men, each in his own sphere; but which was the greater sphere?

As might have been expected in a new institution, in a new State, with a student body used to the free sunshine of the fields and the liberty-breathing winds of the forests, and restive under such academic restraints as were then in vogue,[23] the first few years of the University of Alabama were anything but peaceful ones to those in authority. Troubles came. It is bootless here to inquire into the causes; but the fact remains that public senti-

[23] The following ordinance passed by the trustees January 17, 1832, illustrates the character of the restrictions placed upon student life: "And be it further ordained that any student who shall during session time attend the theatre, circus, race track, or any public dancing party shall be solemnly admonished for the first offence and on repetition of the offence shall be suspended or dismissed from the University." *Ms. Records of Trustees,* Vol. i, p. 148.

ment called for a change. Dr. Woods, of whose high character and scholarly ability there was never a question, tendered his resignation July 5, 1837, to take effect as soon as his successor could be elected and installed. All of the original faculty retired with him—Richard T. Brumby, who had succeeded John F. Wallis in the chair of chemistry, alone remaining with the new faculty. It was the wish of the board of trustees to retain the services of Professor Tutwiler, who was the idol of the students and of the young alumni; but he determined to share the fate of his colleagues—a determination which proved financially and otherwise a most fortunate one for him.

After resigning his professorship in the university, Professor Tutwiler filled chairs in the Alabama Institute of Literature and Industry—the forerunner of Howard College[24]—and in LaGrange College, an institution the historical survival of which is to-day the State Normal College at Florence. The late Bishop Robert Paine, of the Methodist Episcopal Church, South, was at that time president of LaGrange, and a life-long friendship was there cemented between these two great teachers. The late Rev. Richard Henderson Rivers, who was also for some time a professor in that college has left us a striking estimate of the character and ability of his friend and co-worker, Professor Tutwiler:

"In the year 1840, Professor Henry Tutwiler became a member of the faculty. He was the selection of the president. Professors Elliott and Barbour had both resigned, and Professor Tutwiler was to fill the chairs—mathematics and chemistry. A more fortunate selection could not have been made. He was thoroughly 'furnished' for both departments. A graduate of the University of Virginia, he fully sustained the high character of that institution. He was a profound linguist, a thorough mathematician, and a superior chemist. He was learned without pedantry, pious without bigotry, a gentleman without blemish, a character without a flaw. He gave the full weight of his great character to aid the president and his associates in the faculty in building up the college, increasing its patronage, and enlarging its influence. He continued in the institution until his friend and colleague [President Paine] was elected and ordained bishop in the church."[25]

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[24] Clark's *History of Education in Alabama*, p. 172.

[25] R. H. Rivers' *Life of Robert Paine*, p. 62.

After seven years of service at LaGrange, Professor Tutwiler resigned, and in the fall of 1847 founded the Greene Springs School for Boys. His labor there lasted thirty-seven years, and was his final and crowning life-work.

Some years ago, at the request of the late Hon. Willis G. Clark, I prepared a sketch of the Greene Springs school which he utilized as a chapter in his "History of Education in Alabama."[26] It is an easy matter now to draw upon that sketch for some of the more important facts in the phenomenal success of that "Rugby of Alabama"—"undoubtedly equal in many respects," says a prominent Alabama teacher who was once a student there, "to the English Rugby of Dr. Arnold." The location which Professor Tutwiler selected for his school was a fortunate one. In the early history of Alabama, Greene Springs was a popular health resort, and the fame of its chalybeate waters was not confined to the limits of the State. It is located in what is known as the hill country of Hale (then Greene) county, near the village of Havana, and about six miles from Stewart's station on the Alabama Great Southern Railroad. The fact that there was no city nor town in easy reach of the springs was a strong recommendation of the school to those parents and guardians who wished their sons and wards removed as far as possible from dangerous environments. Professor Tutwiler appreciated the advantages of controlling absolutely his immediate surroundings, and from time to time he added by purchase to the original Greene Springs property until at last he owned twelve or fifteen hundred acres in a solid body. Before the opening of his school, Professor Tutwiler refitted the hotel and cottages which had been erected at the springs, and adapted them as well as possible to school purposes.

The general plan and purposes of the Greene Springs school can be best illustrated probably by the following extracts from the announcements found in the catalogue for the year ending June 29, 1876, published after twenty-nine years of almost unparalleled success:

"To prepare young men for the business of life, or for the higher classes in our colleges and universities, was the object

[26] Clark's *History of Education in Alabama*, chap. ii, part 3, pp. 205-211.

proposed at the foundation of the school, and this object has been, and will continue to be, kept steadily in view. There is no division of the whole body of students into classes, but each individual is placed in such classes in his various studies, as he may be prepared to join with benefit to himself. A prominent place is given to the studies of ancient languages and mathematics as those best calculated to promote sound and thorough intellectual training. * * * At the same time, we have long been impressed with the conviction that our ordinary system of education is defective in not calling the attention of the young, at a sufficiently early age, to an observation of the phenomena around us; thus blunting, instead of stimulating, that curiosity which is a part of our nature. It has been our constant aim, therefore, to interest our students in those sciences which have revolutionized the whole domain of industry, and diffused the comforts and luxuries of life among the great mass of mankind. For this purpose, we have provided apparatus sufficient for illustrating the various branches of natural philosophy and chemistry, and additions are made, from time to time, to enable us to keep pace with the progress of these sciences. Besides having regular classes in these studies, lectures, accompanied by experiments, are delivered frequently to all the students. * * * * Ancient geography and history are taught in connection with ancient languages. The mathematical course embraces not only the theory of the branches usually taught, but also the practical applications of trigonometry to heights and distances, field surveys, levelling, navigation, etc., and suitable instruments are provided for this purpose. Instruction is given in modern languages by competent teachers. English compositions are required weekly from all the students, and a portion of Saturday is devoted to this purpose. * * * * A library of several thousand well-selected volumes is open, free of charge, to all the students, many of whom are thus induced to employ, in a profitable manner, those spare moments which would otherwise be wasted. Additions of new and valuable books are made several times a year, and all books that have a tendency to corrupt the taste are carefully excluded. There are also libraries belonging to the literary societies of the school to which the members of the societies have free access. * * * * The school has been supplied with a fine telescope of high magnifying powers, the gift of an esteemed and generous friend, Joel E. Mathews, Esq., of Selma."

The students of Greene Springs came from among the most cultured homes of Alabama and adjacent States, and to-day many of them, as mature men, are to be found in the foremost walks of life throughout the Southwest—such men for instance

as Thomas Wilkes Coleman, of Eutaw, late justice of the Supreme Court of Alabama; Richard H. Clarke, of Mobile, for many years the able representative in Congress from the First district; and James P. Clark, former governor of Arkansas and now United States senator from that State.[27] The school was always full, applications for admission sometimes being on file a year in advance. It is well known that Dr. Tutwiler ruled by moral suasion and personal influence alone; no form of corporal punishment was ever used. If he found a student incorrigible, he quietly and kindly sent him home, or advised his parents or guardian, when the term expired, not to send him back.

The home life of the students at Greene Springs left lasting impressions upon their memories. Owing to the distance from churches Professor Tutwiler undertook more of the religious instruction of his students than he probably otherwise would have done, and it was his custom to meet the whole body of students three times on every Sunday—before breakfast, at noon, and after tea. He managed to make the instruction on these occasions of such a nature as not to be in the least irksome. On the other hand, even the most obdurate student looked forward with positive pleasure to the short moral lecture, or extract from some interesting sermon, or other exercises with which he was accustomed to vary these meetings. At the meeting after tea, it was his custom to call the roll, and each student was expected, though not required, to respond by reciting some line, stanza, or short poem conveying a moral or religious idea or sentiment, or, if he preferred, a quotation from the Bible. Speaking of these Sunday meetings, one of his former students says of Professor Tutwiler: "It seems to me impossible to convey in any words to one who never knew him, a conception of that benign, tender, sunshiny presence." It was this presence that made every scho-

[27] In a postscript to a circular letter to the patrons and friends of the school, reviewing briefly its history, dated September, 1877—thirty years after its opening—Dr. Tutwiler says:

"It is my intention to publish, as soon as I am able to do so, a complete catalogue of all who have been connected with the school from its beginning, with the dates of their admission and departure, and such other facts as may be of interest. More than sixty of the Greene Springs students died or were killed in the Confederate army during the late war."

Owing to the scattering and destruction of records by a tornado in 1878 and other causes this catalogue was unfortunately never prepared and published.

lastic task a pleasure to his students. "He could invest even the most abstract problems of mathematics with the interest of a novel," says a prominent public man who in boyhood enjoyed his instruction. He endeavored to enlist, as far as possible, the interest of his students in current literary, scientific, and political thought; and with this end in view it was his custom after the morning chapel exercises to read, and briefly comment upon, some extract from a newspaper or some magazine article upon whatever subject was at the moment uppermost in the world's mind. In this way he excited and fostered a taste for reading in all classes of students.

Dr. Tutwiler from time to time associated with him as teachers some men who afterwards became widely known in the educational history of the State—such men as Dr. Carlos G. Smith, afterwards president of the University of Alabama; Major James W. A. Wright, sometime president of the Alabama Normal College for Girls, at Livingston; Professor Alonzo Hill, afterward president of the Tuscaloosa Female College; and the lamented General John Gregg, of Texas; but in the instruction as well as in the administration of the affairs of the school his own personality was everywhere impressed. Among his other assistants were Patrick Jack, Burette O. Holman, Walter E. Winn, Henry F. Meek, Daniel James, A. C. Woodall, Pascal A. Tutwiler, and F. W. Jackson. In the later years of the school, the well-known Miss Julia S. Tutwiler and other daughters of Professor Tutwiler assisted him in the instruction of special classes in ancient and modern languages.

The Greene Springs school was continued, without intermission, under the same principal, from its establishment, in 1847, until June, 1877, when the exercises were suspended in order to give Professor Tutwiler a rest which thirty years' continuous labor in the schoolroom had rendered necessary. The exercises were resumed in October, 1879, and were continued until the death of Professor Tutwiler in 1884. In April, 1878—during the two years' suspension just noted—a fearful tornado swept over Greene Springs, blowing away a number of cottages that had been occupied by students, together with the chapel, library, etc., and seriously damaging the main building occupied by Professor Tutwiler's family. His extensive chemical and physical appara-

tus was to a large extent broken up or otherwise injured, and his books and papers were scattered by the winds or badly damaged by exposure to the torrents of rain that accompanied the storm. Notwithstanding the great destruction of property, there was no loss of life or serious injury to any person—an escape that could not have been so fortunate if the school had been in session at the time.[28]

One fact remains to be added. The Greene Springs school was quite as great a success financially as it was educationally. Professor Tutwiler's excellent common sense was nowhere better displayed than in the business management of his school. As a result of his individual labor and judicious investments, he had accumulated a handsome fortune before the outbreak of the war between the States. From the wreck of the war he saved enough to have lived in comparative comfort and ease in his old age, had he not preferred "to die in the harness." Probably in no other year of his life did he do more or better work than in the last.

Professor Tutwiler's life was probably farther removed from the paths of ambition than that of any other prominent man of his day; but unsought academic honors found him out in his quiet home at Greene Springs. He was twice elected to the presidency of the University of Alabama; but both times he declined the proffered honor. So earnest were the regents of the university and the alumni to secure his acceptance on the occasion of the vacancy in 1874 that a special committee of two distinguished graduates of the institution—Mr. James H. Fitts, of Tuscaloosa, and Col. Samuel M. Meek, of Columbus, Mississippi—were sent to Greene Springs to urge his acceptance, while the board of regents continued in session to hear his decision. But he remained inflexible in his purpose never to put himself again in a position where he would not be in the fullest sense his own master. The degree of doctor of laws and other academic honors were conferred upon Professor Tutwiler by various colleges and universities where the authorities knew of the great work which, in his quiet way, he was accomplishing; and, in 1853, he was

[28] After the death of Dr. Tutwiler the Greene Springs property passed into the hands of Miss Julia S. Tutwiler who still owns it. The buildings which escaped the tornado in 1878 were destroyed by fire in February, 1896—so there are now no material remains, beyond the site, of the once famous school.

appointed by President Pierce a member of the board of visitors of the United States Military Academy at West Point.

If, in his later years, Dr. Tutwiler, whose mental horizon seemed to embrace almost the whole circle of sciences and literature, had a special favorite among his studies it was astronomy. Nearly every clear evening found him sweeping the heavens with his telescope to see if aught new was to be learned of the whirlings of the worlds. His profound knowledge of the stars was evidenced by his becoming one of the first discoverers, on the evening of May 12, 1866, of the "new star" which suddenly blazed out in the Northern Crown, and which is now technically known as *T Coronae Borealis.*[29] There was no telegraph office at hand; but Dr. Tutwiler at once wrote of his discovery to Professor Joseph Henry, of the Smithsonian Institute, and to Professor Stephen Alexander, of Princeton. There were three other discoverers at practically the same time, who got the first hearing and whatever of credit ought to have been shared with Dr. Tutwiler.[30]

During his connection with the University of Alabama, Professor Tutwiler was married, in 1835, to Miss Julia Ashe, daughter of Mr. Pascal Paoli Ashe, and a great-granddaughter of Governor Samuel Ashe, of Revolutionary fame in North Carolina. Of that distinguished family, which for generations has furnished the Old North State with some of her ablest soldiers, statesmen, and jurists, Mrs. Tutwiler's oldest brother, Judge Thomas Samuel Ashe, Confederate senator, representative in the United States Congress, and, at the time of his death, judge of the supreme court of North Carolina, was one of the most noted members. Mrs. Tutwiler died about two years before her husband. Eleven children grown to manhood and womanhood survived them. Among the number are Mr. Pascal Ashe Tutwiler, a well-known member of the Greensboro bar, and Miss Julia Strudwick Tutwiler, whose literary work and efforts in behalf of prison reform and of the higher education of women have made her well-known throughout Alabama and the country at large.

Fifty-three years of earnest, honest, intelligent labor in raising the standard of learning and morals in the young men of the

[29] *Christian Advocate,* Nashville, November 8, 1884.
[30] *Northern Alabama,* p. 573.

South! Who can compute the value of such a life? Where have gone the men whom Henry Tutwiler, the favorite student of George Long and the oldest graduate of the University of Virginia, taught in all those years? What influence have his first students at the University of Alabama and those at LaGrange College and the hundreds who thronged his school at Greene Springs exerted in after life? It is all beyond the power of human computation, and can only be suggested to the thoughtful reader. Nor can that influence die; it is gathering force with each succeeding generation. The following is an extract from one of the many tributes to his memory paid in the public press by his former students just after his death:

"The fullness of manhood it not attained except by the development of both mind and character. For such a development among his pupils did Dr. Tutwiler most zealously labor for over half a century—a learned scholar, a noble Christian character. He taught young men and their children's children. To-day the characters of the former students of Greene Springs bear the impress of that grand old man. It will live as long as they live. I exult in the remembrance of his teaching. Would that the South had more such men! They live when they are dead."[31]

[31] The Montgomery *Advertiser*, September 26, 1884.

VI. JOHN ARCHIBALD CAMPBELL.

By George W. Duncan,° Auburn, Ala.

John A. Campbell is best known to the public for his connection with two important events in our history, namely, the negotiation with Seward about Fort Sumter in 1861 and the Hampton Roads conference in 1865. But he was by nature and training primarily a great lawyer; and his ability is most distinctly manifested in his purely legal attainments.[1]

° George Webster Duncan, son of Thomas A. and Margaret S. (*Hargett*) Duncan, was born at "Rockwood," Franklin county, Alabama, Oct. 12, 1866. His paternal ancestors are of Scotch origin.

Mr. Duncan graduated at the State Normal School at Florence, Alabama, and did graduate work for two years at the Alabama Polytechnic Institute at Auburn, completing his work for the M. S. degree at the latter institution in 1898. He studied law at the University of Virginia.

He is an active member of the Alabama Historical Society, the American Historical Association, and of the National Geographical Society. At present (1905) he is commander of the Alabama Division United Sons of Confederate Veterans.

[1] John Archibald Campbell was born at Washington, Wilkes county, Georgia, June 24, 1811. He was the son of Duncan G. Campbell and Mary Williamson; both the Campbell and Williamson families were prominent in the history of Georgia. At the age of eleven he entered Franklin College, now the University of Georgia, and graduated when he was fifteen, with the first honors of his class. John C. Calhoun appointed him a cadet to West Point in 1826, where he remained a student nearly three years, resigning in 1829 on account of the death of his father. Having studied law under Governor John Clarke, of Georgia, he was admitted to the bar of that State by special act of the legislature in 1829, before he was old enough to be admitted under the regular statute. In 1830 he settled in Montgomery, Ala., where he practiced law until 1837, when he moved to Mobile, Ala. He was a member of the Alabama legislature of 1836, and again in 1842. At the session of the legislature of 1842, he wrote the report on the Alabama State banks, an able paper. The same year that he came to Montgomery to live, he married Miss Goldthwaite, from Boston.

He declined an appointment to the supreme court of Alabama, offered him by Governor C. C. Clay in 1836, and again in 1852, when the same position was offered him by Governor Henry W. Collier. President Jackson offered to appoint him secretary of legation to Great Britain in 1836 but he declined. He was adjutant general on the staff of Governor Clay at the time of the trouble with the Creek Indians in 1836.

He was a justice of the supreme court of the United States from March 22, 1853, to May 1, 1861, and assistant secretary of war of the Confederate government from October, 1862, to February, 1865. He went to New Orleans in 1866, where he practiced law until his death, which occurred at Baltimore, Maryland, March 13, 1889. He is buried in that city.

Having been admitted to the bar of Georgia by special act of the Legislature before he was old enough to be admitted under the regular statute, he was offered an appointment as a justice of the supreme court of Alabama, when he was only twenty-five years old and had been at the bar less than six years. At the age of forty-two, he was appointed a justice of the supreme court of the United States, the appointment coming to him at the solicitation of the members of the court as a result of the impression he had made on them by his arguments before that body, and not as a reward for political activity, or through political influence.[2]

Campbell was an associate justice of the supreme court of the United States from 1853 to 1861. During the period of his service, some of the most important questions were decided that have ever come before that tribunal, among these being the Dred Scott case. He concurred in the opinion of the majority of the court in this historic case, but wrote an additional opinion that he might express more fully his own views on the questions involved. He examined every phase of the subject from an historical and legal point of view, and his references and citations show that he exhausted every source of information bearing thereon. He marches to his conclusions with an array of facts and a force of logic that seem unanswerable. The opinion is more philosophical than the opinion of the chief justice, and goes deeper than the facts and details of the particular case. He discusses more fully the great constitutional principles involved and the rights of the States. He does not go into the question of the jurisdiction of the supreme court as the chief justice does. He says:[3]

"My opinion in this case is not affected by the plea of the jurisdiction, and I shall not discuss the question it suggests."

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[2] "In 1850 the deceased came to New Orleans to argue the case of Mrs. Myra Clark Gaines in the United States circuit court. His associate was John R. Gaines, at that time the most distinguished leader of our bar. In 1852 he argued the same case on appeal in the supreme court, where his antagonist was Mr. Webster. The arguments in the Gaines case in the circuit court and in the supreme court produced such an impression on the minds of lawyers and judges who heard him, that when a vacancy occurred on the bench of the supreme court, caused by the death of Mr. Justice McKinley, he was appointed in 1853 by President Pierce to fill it."

[3] 19th Howard Reports, p. 99.

He held that Congress did not have sovereign power in the territories belonging to the United States.[4]

"I look in vain," he says, "among the discussions of the time (of the formation of the constitution), for the assertion of a supreme sovereignty for Congress over the territory then belonging to the United States, or that they might thereafter acquire."

The Missouri compromise he held to be unconstitutional so far as it attempted to prohibit slavery in the territories, and he quotes with approval Jefferson's statement made at the time of the purchase of Louisiana:[5]

"I had rather ask an enlargement of power from the nation, where it is found necessary, than to assume it by a construction which would make our powers boundless."

And in the same connection he adds:

"They (the members of the supreme court) acknowledge that our peculiar security is in the possession of a written Constitution, and they cannot make it blank paper by construction."

As to the judgment of the circuit court, he says:[6]

"My examination is confined to the case as it was submitted upon uncontested evidence, upon appropriate issues to the jury and upon the instructions given and refused by the court upon that evidence. My opinion is, that the opinion of the circuit court was correct upon all the claims involved in those issues, and that the verdict of the jury was justified by the evidence and instructions."

Campbell did not fully concur in all points with the opinion of the chief justice. In regard to the very full discussion by the latter as to the plea in abatement, he says:[7]

"And in so far as the argument of the chief justice upon the plea in abatement has reference to the plaintiff and his family, in any of the conditions or circumstances of their lives, as presented in the evidence, I concur in that portion of his opinion. I concur

[4] *Ibid*, p. 111.
[5] *Ibid*, pp. 118-119.
[6] *Ibid*, p. 123.
[7] *Ibid*, p. 124.

in the judgment which expresses the conclusion that the circuit court should not have rendered a general judgment."

Campbell's conclusion is:[8]

"I think the judgment should be affirmed on the ground that the circuit court had no jurisdiction, or that the case should be reversed and remanded, that the suit may be dismissed."

It is interesting to observe in this connection that Von Holst's charge that,[9]

"Spite of the absence of documentary evidence, it would be ridiculous to deny that orthodoxy on the slavery question had come to be a qualification for a seat on the supreme bench,"

is not borne out by Campbell's appointment, for on some points, at least, of the slavery question, he held rather advanced views. As early as 1847 he published an article in the *Southern Quarterly Review* in which he advocated a number of reforms for the amelioration of the condition of slaves and for the security and protection of their domestic relations. In this he says:[10]

"A more important alteration of our laws consists in the extension to the slaves of a protection to their domestic relations. The connections of husband and wife, and of parent and child, are sacred in a Christian community, and should be rendered secure by the laws of a Christian State." "A reform scarcely less important, consists in rendering the relation of master and slave more permanent. It is now liable to be disturbed in every change that occurs in the pecuniary condition of the master. The liability of the slave to change his relation on the bankruptcy of his master, and the frequency with which it occurs, has greatly deteriorated their character and deprived the relation of some of its patriarchal nature. The condition of families should be permanent. Those domestic ties which contribute so much to the happiness of the members, should not be severed at the pursuit of a creditor. The great end of society, the well-being of its members, would surely be promoted by withdrawing slaves in some measure from the market, as a basis of credit. In reference to this same subject, we may point to the necessity of a greater diversity of employment among the slave population, and a consequent increase of

[8] *Ibid*, p. 124.
[9] *Constitutional History of the United States*, 1856-8.
[10] *Southern Quarterly Review*, vol. xii, p. 133.

their mental cultivation; to the prodigious increase of their numbers, and the necessity of more abundant supplies of moral and religious instruction."

Campbell had liberated his own slaves a number of years before the Civil War. In a letter to Judge Curtis, written in 1865, he says on the subject of slavery:[11]

"You are well aware that I was not a fanatical proslavery man; I had voluntarily liberated all of my slaves before the war some years. In 1847 I had, in a review on slavery in the *Southern Quarterly Review*, advocated as a duty the amelioration of the law of slavery and proposed the establishment of the legal relations of slaves in the family on a firm foundation, and the removal of restraints on voluntary emancipations, on education, and to abolish all sales under legal or judicial orders or process. In articles on the same subject, and in conversation, I agreed that amelioration was a duty and necessity. In 1860-61 some of the Southern papers called me an abolitionist."

Campbell resigned from the supreme bench in 1861 because of the secession of Alabama from the Union, having determined previously to follow the course of his adopted State. He said in a letter written November 26, 1860, to Daniel Chandler, of Mobile:[12]

"I need not state to you, that my connection with the Federal government has continued until this time, rather in deference to the inclinations of others, and upon public considerations, than from any desire on my part, to hold my office. My commission would not be affected by the action of the State. But I determined many years ago, that my obligation was to follow the fortunes of her people. I shall terminate my connection with the government, as a consequence of her acts."

There was at the time some criticism of Campbell for remaining in the supreme court after the secession of Alabama. He has given a frank and reasonable explanation of his action in a letter to H. Ballentine, of Mobile, Alabama, written May 11, 1861:[13]

"A friend has sent me two articles from your paper, in which you insist that some explanation or vindication of my conduct

[11] *Century Magazine*, May, 1889, p. 953.
[12] *Mobile Daily Mercury*, May 17, 1861.
[13] *The Confederation*, Montgomery, Ala., May 24, 1861.

relative to the holding and resigning the office of associate justice of the supreme court of the United States is due to my friends and myself.

"Having considered that my course was the natural and almost necessary result of my position and its relation, I have not supposed that it afforded matter for praise or blame, or that it required any explanation or vindication.

"The act of secession of Alabama found the supreme court nearly half advanced in its annual session and engaged in the performance of those weighty duties in which personal and corporate interests were involved, and the rights of foreigners, sovereign States of the Union, as well as of the government, were involved. On the last day of the court (4th March), cases from Alabama, Louisiana, Texas, among others, and a case between Kentucky and Ohio, were decided. It did not comport with my opinion that I had been able to form of my duty to the chief justice and the associate members of the court, or to the court itself, as a department of the government, to withdraw the labor, support, responsibility and strength which had been committed to me, or which I could impart to that venerable tribunal under the existing circumstances, I remained in the court comformably to an opinion coeval with the decision to resign as a consequence of the secession of Alabama, and to which I have steadfastly adhered.

"After the adjournment of the term of the court there was judicial business of importance, but of subordinate importance, to be disposed of; there were objections to my resignation, on principle, from the members of the supreme court and from men whose character and counsel merited respect and deference—statesmen from Virginia, Kentucky, Maryland, Tennessee and North Carolina. And there was every reason to suppose that my holding of the office might enable me to contribute something towards securing the great blessings of peace and of averting from the country the direst of evils, civil war. I have used every energy to accomplish these desirable ends, and when it became apparent that I could do no more, I resigned as a consequence of the secession of the State of Alabama. And I take this occasion to say that my conduct has the sanction of the chief justice and the judges of the court, and the approbation of my own conscience."

He served as a justice of the supreme court eight years; and no man, not even Marshall or Story, won a greater reputation as an able judge during so short a period. This is well put by Mr. Carson in his history of the court.[14] He says:

[14] Hampton L. Carson, *The Supreme Court of the United States*, pp. 350-351.

"This great judge was commissioned upon the 22nd of March, 1853. In less than eight years he also resigned. It will never cease to be a matter of professional regret that two such judges as Campbell and Curtis, having once attained such exalted stations, and having displayed such surpassing judicial powers, should have felt themselves called upon to retire from membership in a tribunal which they had greatly strengthened and adorned. In fact, had Campbell remained until the day of his death, his term of judicial service would have exceeded that of any man, chief justice or associate, who had ever held a place upon that bench. It takes time to create a great judicial reputation, and the fruits of judicial wisdom ripen slowly. Had Marshall or Taney been stricken down in the midst of their careers, they would, as chief justices, be as little known to the country, as Ellsworth and Chase. * * * * All of Chief Justice Marshall's great constitutional judgments, save two, were pronounced after he had been fifteen years upon the bench, and the remarkable impression which Story made was after his judicial harness had become well worn. It is a matter of satisfaction, however, to record that the influence of Curtis and Campbell upon the bench which they quitted was not lost, as in after years no men appeared at the bar whose arguments made a profounder impression."

Campbell, Nelson, and the venerable Chief Justice Taney shaped the policy of the court and gave character and force to its decisions. It was upon Campbell and Nelson that the chief justice depended for assistance and support in the great questions that came before the court.[15]

"It was with Nelson that the chief justice most frequently concurred, and during the latter part of his career, the triumvirate which corresponded with that of Marshall, Washington and Story, was composed of Taney, Nelson and Campbell."[16]

Campbell was profoundly learned in the civil law and from this source contributed much strength to the court, especially touching all questions involving an application of the principles of the civil law.

"He was a profound and philosophical jurist, who gave vigor

[15] A near relative of Judge Campbell stated to the writer recently that Chief Justice Taney often expressed a desire that Campbell should succeed him as chief justice.

[16] Carson's *Supreme Court of the U. S.*, p. 337.

and breadth to his intellect by constantly resorting to the great sources of Roman law."[17]

George Ticknor Curtis said in an address before a memorial meeting of the supreme court of the United States:[18]

"More than once, cases which would have been wrongfully decided if decided by the judgment of the other members of the bench, were given a right direction by his (Campbell's) knowledge of the local law and usages of the States composing his circuit. His familiarity with both the civil and the common law and his extensive learning enabled him to be of very great service to the other members of the court."

Soon after his appointment to the supreme court, Judge Campbell was assigned to the Southern circuit, including Louisiana. It was as judge of this circuit that he presided at the trial of Governor Quitman of Mississippi, Thrasher, and Saunders, and required them to give bond for their good behavior in connection with a filibustering expedition to Cuba. Mr. Bayne, of the New Orleans bar, in an address at a memorial service, in the circuit court of the United States, in honor of Judge Campbell, says of this trial:

"Soon after his appointment, and after this circuit had been assigned to him, he was called upon to deal with what was called the filibustering expeditions to Nicaragua and Cuba. Many of the leading citizens of this State and of Mississippi were brought before him, and a great outcry was made of oppression through the Federal court. No man could have borne himself with more dignity or wisdom in the severe ordeal to which he was then subjected. He was firm, courageous, temperate and wise. The persons under arrest were citizens of the highest distinction, among them the Governor of an adjoining State.

"The question arose, could the Governor of a sovereign State be carried away to another State by the general government to answer a criminal charge. Many of the friends of Governor Quitman urged him to resist any such attempt, but he determined to resign the office of Governor and stand his trial. There were apprehensions here that an attempt would be made to release him under writs of habeas corpus, or other proceedings from State courts. Through all of the excitement, Judge Campbell was tem-

[17] Carson, *The Supreme Court of the United States*, pp. 350-351.

[18] *Proceedings* of a memorial meeting of Bench and Bar of the Supreme Court of the United States on the death of John A. Campbell, pp. 23-24.

perate, courageous, wise and dignified. There never was a nobler spectacle exhibited in a court of justice, than of this magistrate, wisely and calmly controlling turbulence, and vindicating the majesty of the law."[19]

Justice Campbell's opinion in this case is given in full in the Montgomery *Advertiser and State Gazette* of June 26, 1854, from which the following extracts are taken:

"This case originated in a requisition by the court upon the defendant to show cause why he should not give a bond to observe the laws of the United States, in reference to the preservation of their neutral and friendly relations with foreign powers—contained in 3rd vol. United States Statutes at Large, 447."

After a summary of the report of the grand jury, the opinion proceeds:

"At the time the report was made, the name of the defendant was returned with others who had declined to answer the interrogatories of the jury, and a printed statement of the facts which had occurred while he was before the jury has been filed. By that statement, it appears that a printed circular, marked 'private and confidential,' signed by J. S. Thrasher as 'Corresponding Secretary' of an association, was handed to the witness, was examined by him, and he was asked for an account of the meetings and proceedings described in it. That the witness declined to give information because his answers would incriminate him. The printed circular referred to is also filed. It discloses the facts of several meetings in New Orleans, for the purpose of considering upon the means of liberating Cuba from the government of Spain, that there is a junta which acts in the name of 'Free Cuba' and represents its 'aspirations'—that this junta has collected a large sum of money ($500,000), and holds intercourse with military men in the United States, relative to that object; that it issues bonds in the name and upon the pledge of the Independent Island and proposed government, and makes contracts with citizens of the United States, to be trustees and treasurers of the movement, and to take the military control of it. It contains the contract of a board of American trustees to hold its money, and the declarations of an eminent military leader, who agrees to take command of the expedition when a million of money is collected. That the meetings are all in the design of fulfilling this requisition of this leader, whose name is not given. The bonds are issued to the subscribers at one-third of their par value, and the military leader

[19] *Proceedings* of memorial meetings, etc., p. 12.

is pledged, should the expedition prove successful, to employ his influence to procure their assumption as a public debt of 'Free Cuba.' The circular discloses the fact that Cuba is in no condition to effect her own liberation; that the strength of the government and the vigilance of its police exposes every revolutionary movement in the island to defeat.

"The whole plan is addressed to citizens of the United States, and is for their execution. The military chief, selected from the United States, is the soul of the enterprise.

"The defendant is known to be an accomplished soldier, having a large share of the public confidence, and especially of those States which border on the Gulf of Mexico. The report of the grand jury is 'that his name has figured prominently with the rumored expedition,' and for that reason he was cited to afford evidence 'in relation to the rumor in this city of an expedition, the tendency and purpose of which would be to violate the neutrality laws of the United States.' The circular I have described was handed to the defendant, was inspected by him, and it contains a description of a person and the report of a speech, which, perhaps, might be attributed to the defendant without great injustice, whenever the fact is ascertained that he would consent to implicate himself in an enterprise like that set forth. The defendant confessed the fact of a connection of a kind which rendered it a matter of impropriety for the grand jury to press any question upon him relative to the details of the movement. 'The obvious inference,' say the grand jury, 'is that these rumors were not altogether without foundation,' and they find, from other evidence, that an expedition is on foot 'for the purpose of assisting a Cuban revolution, or of making a demonstration upon the island.'

"The questions presented to the court are, is there a reasonable ground for the belief that the defendant is connected with the preparation of such an enterprise? Does the existence of such a suspicion impose a duty upon the court?"

Next follows a strictly legal discussion of the case, with citation of authorities. Then it proceeds:

"The facts disclosed in the report of the grand jury, with the explanatory evidence accompanying that report, leave me no room for hesitation or doubt.

"I have set forth at large the reasons for the judgment I have given, that there may be no misconstruction nor mistake of the grounds upon which this court has acted.

"I have explained, in the charge addressed to the grand jury, my sense of the importance of the act of Congress, involved in this discussion, and my opinion of the policy in which it is founded. The honor of our country, the fair repute of its citizens, in my

opinion, require an exact observance of that act. It is a law binding upon our whole people, and the principles which justify its violation, menace the order and repose of the whole confederacy.

"But if my opinions were the reverse of what they are, in the position I occupy, I have but a single duty to perform. To the full extent and no further of the powers conferred upon me, I must enforce its execution.

"The defendant has, before a portion of this court, declared his inability to fulfill the public duty of affording information of practices involving a breach of the laws; [it is presumed that] that this inability arises from some undisclosed connection with those who are thus engaged. The President of the United States has admonished the country that there is danger of a violation of these important statutes, and the grand jury, after a patient investigation, certify that this admonition has a legitimate foundation.

"Public rumor has attached suspicion to the name of the defendant, according to the certificate. I will say with the chief justice of England, already quoted, 'We should be poor guardians of the public peace, if we could not interfere until an actual outrage had taken place, and perhaps, fatal consequences ensued.'"

He also presided at the trial of William Walker and his band in 1858. The following account of this trial is quoted from an address of Judges Semmes, who was district attorney of the United States for the district of Louisiana at the time of the trial.

"In 1858, while I was district attorney of the United States for the district of Louisiana, Judge Campbell came from Washington to preside at the trial of Walker and his little army, organized to invade Nicaragua—they had been captured by a war vessel of the United States and brought here (New Orleans) charged with violating the neutrality laws. Pierre Soulé defended the prisoners; the evidence was conclusive, and the charge of the court was a masterly exposition of the law applicable to the facts, which were summed up with great power. Public opinion in the South favored the prisoners, and it required a courageous judge to perform his duty in the face of hostile criticism and the almost resistless current of popular feeling."[20]

Campbell was by nature and choice a lawyer. In ordinary times he would have devoted himself wholly to the technical details of the law. But the stormy years from 1850 to 1861 permitted no man of ability and earnestness to stand aloof from pub-

[20] *Proceedings* of the memorial meeting, etc., pp. 6 and 7.

lic affairs. Campbell recognized the importance of the issue, formed clear cut opinions about them, and from time to time gave utterance to them in his indefinite legal way. He believed in State rights, and held that a State had the right to secede, but was strongly opposed to the policy of secession on the ground that it was not expedient. In an article on the rights of the slave States published in the *Southern Quarterly Review*, January, 1851, he said:[21]

"A State may dissolve its relation to the Union at its pleasure. Most of the States have declared the inherent and inalienable power, of modifying their government, as the fundamental principle of their social compact, and some of the States, in their act ratifying the Federal constitution, plainly and unequivocally asserted it and reserved it."

His position on this matter was well understood; and the State rights men approved his appointment to the bench because of his views on this question, rather than because he was a pro-slavery man, as suggested by Van Holst.[22]

Campbell was energetic in his opposition[23] to the policy of secession and to anything he thought would lead to it. In a letter written June 12, 1860, to his kinsman, L. Q. C. Lamar, afterwards a justice of the supreme court of the United States, he said in regard to the withdrawal of the Southern delegation from the Charleston convention:[24]

"I received your penitent letter of the 7th instant yesterday. If I had the powers of a Turkish cadi, I should condemn all the Southern actors in that scene to wear veils for four years. Their faces should not be seen among Democrats, I am not sure but what my sentence would comprise certain bastinadoes for all

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[21] *Southern Quarterly Review*, vol. iii, new series, p. 141.

[22] "It is generally known that the court had recommended his appointment to the president, and the leaders of the State Rights' party, of which the deceased was a member, were so anxious to have him on the bench that the dominant majority of the Senate postponed and thereby defeated the nomination of Mr. E. A. Bradford, of the New Orleans bar, merely because he was a Whig and in order to save the place for Judge Campbell."—Judge Semmes, *Memorial Address*, p. 5.

[23] "Campbell had exerted his influence against secession though he did not believe in its unconstitutionality."—Fitzhugh Lee, in *Century Magazine*, July 1896, p. 477, Footnote.

[24] Edward Mayes, *Life of L. Q. C. Lamar*, p. 84.

those from whom something better should have come. In that case, you and your friends, Cable and Jackson, would have carried sore feet for a long time."[25]

In an address delivered before the Alabama Bar Association,

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[25] Campbell was mentioned for the nomination for the presidency in connection with the Charleston convention. The following notice appeared in the papers of the time:

"Hon. John A. Campbell.—We notice that the suggestion made in our columns some time since, of the name of Mr. Justice Campbell in connection with the next presidency, is attracting very general notice, and is received in many quarters with decided marks of gratification. We note this with pleasure, for we are certain that with Mr. Campbell in the presidential chair, we would have a man of energy, ability and will—one who would carry out firmly and zealously what he considered the best policy for the country, both at home and abroad.

"Looking at the doctrine of availability alone, it is difficult to see why Mr. Campbell should not receive the nomination at Charleston. He would run well at the North, and would not be objected to at the South, upon the Cincinnati Platform, pure and simple. By nominating him then, the Convention would nicely escape the difficulties that beset the making of new platforms, and might, with Ulyssean wisdom, pass safely between the Scylla of territorial protection to slavery on the one hand, and the Charybdis of Douglas popular sovereignty on the other.

"What say our neighbors, who claim to lead the two rival wings of the Mobile Democracy? Will they drop their weapons of offense and unite upon the man—Judge Campbell and let the Cincinnati Platform stand? Perhaps if they will do so at once, they may save themselves some recanting and perplexity after the Charleston Convention shall have met and spoken."

A writer in one of the leading Democratic papers in Georgia, supposed to have Douglas tendencies, warmly takes up the suggestion, and says that Mr. Campbell stands "prominently before the country as combining in his whole private and public history the elements of character eminently fitted to the high position which would be dignified and adorned by so eminently gifted a citizen."

He proceeds to give a brief sketch of Mr. Campbell's education and acquirements, and finally to urge his entire fitness for the high position in which he would have him placed. The following are the concluding paragraphs of the article to which we have referred:

"There is no valid objection that any Northern or Northwestern Democrat, can offer to the record of John A. Campbell—his capacious mind soars above the paltry intrigues and ebullitions of the passing hour, and calmly fixes its hopes, its purposes, and objects on the preservation of the institutions of the country, as swayed and fashioned by our fathers, and incorporated in a written constitution, forming a Union of empires, which have thus far marched on to a condition of greatness and prosperity, unparalleled in ancient or modern times.

"Let our South then rally its forces and meet our Northern and Northwestern brethren in the Charleston Convention, confiding in its wisdom, justice and moderation; and while determined, as heretofore, to abide the decision of that convention, whosoever may be the nominee, to urge upon the convention the right in political courtesy due the South, at this time, to elevate one of her favorite sons to the Presidency, and that son the Hon. John A. Campbell."—*Mobile Advertiser,* reprinted in *The Confederation,* Montgomery, Ala., April 21, 1860.

1884, Judge Campbell, speaking of the secession of Alabama, said:[26]

"I was at the time a citizen of Alabama, and had such relations with the State as to authorize me to express a public and frank dissent to the proceedings which then took place."

In a letter to Judge Curtis, previously referred to in this paper, he said:[27]

"You are aware that I was not a patron or friend of the secession movement. My condemnation of it and my continuance in the supreme court were regarded as acts for which there could be no tolerance."

In a letter to Daniel Chandler, of Mobile, Ala., of November 24, 1860, he said:[28]

"The fact that Mr. Lincoln has been chosen president of the United States, in my opinion, is not a sufficient cause for the dissolution of the Union."

And on November 26, 1860, he again wrote Mr. Chandler:[29]

"I have no sympathy with those who would precipitate ours or any other State into consequences, that cannot fail, under any circumstances, to produce disaster and distress."

And in closing this letter he said:

"I have endeavored to show—that the election of Mr. Lincoln does not afford sufficient ground for the dissolution of the Union. Second, that the great subject of disturbance—that of slavery in the Territories—rests upon a satisfactory foundation, and that we have nothing to ask except that the *status quo* be respected. Third, that the subject of the rendition of fugitive slaves can be adjusted to the satisfaction of the injured property holder, and without dishonor to ourselves. Fourth, that in relation to the maintenance of the rights we have, or those that have been defeated or impaired, and in whatever concerns the subjects of contumely and insult we complain of, there may be a sufficient cause for increased vigilance, for preparation, for alliance among the Southern States, for the demand of new guarantees, but not for disunion, until there is a refusal of redress."

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[26] *Report* of the Alabama State Bar Association, 1884, p. 86.
[27] *Century Magazine*, May 1889, p. 950.
[28] *The Independent*, Gainesville, Ala., Dec. 22, 1860.
[29] *Mobile Daily Mercury*, May 17, 1861.

But while he was opposed to secession as a remedy for the existing evils, he none the less clearly recognized the wrongs that were inflicted on the South.[30]

This was uniformly his position all through the exciting years from the close of the Mexican war to the outbreak of the Civil war. The measures afterwards known as the compromise of 1850 did not satisfy his sense of justice.

In a letter written August 13, 1850, to a mass meeting in Montgomery, Campbell says:

"Whenever the Federal government, and much more, when a single department of the Federal government, upon a question—a question of a disputed title to property—shall venture to employ the army and navy of the Confederacy to subdue one of its members, it is clear that the very foundations of the Union are at once subverted."

"One cannot but feel that the same adverse influences that have assented in Congress to the denial of the rights of the South to equality in the Union are now operating upon the executive department to insure the dismemberment of Texas."[31]

In a letter on the compromises of 1850, written in response to an invitation to a dinner at Prattville, Alabama, he says:[32]

"California, by an infamous juggle, was constituted into a State, and her claims to admission into the Union sanctioned. Southern property in New Mexico and Utah is subjected to litigation and embarrassment from Mexican laws, and their ignorant and mixed population have been empowered to legislate against it."

Mr. Campbell was a delegate from Alabama to the Nashville convention of 1850 and wrote the resolutions substantially as they were when unanimously adopted by that convention.[33] An exam-

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[30] President Pierce says, in a letter written December 24, 1860, to Campbell in response to a letter from him of December 10, 1860, "In view of your strong conviction of the wrongs perpetrated against the people and institutions of the Southern States, I doubly honor the devotion with which you cling to the Union." *The Confederation,* Jan. 4, 1861.

[31] *Advertiser and State Gazette,* Aug. 28, 1850.

[32] *Advertiser and State Gazette,* Dec. 11, 1850.

[33] On June 6, at the same time that the committee on resolutions was announced, Campbell introduced and read a series of sixteen resolutions.—*Republican Banner and Nashville Whig,* June 6, 1850.

The principles enunciated in the original resolutions by Campbell are substantially the same as those in the resolutions as finally adopted by the convention. There are a number of changes in the phraseology of all the

ination of these resolutions will show that his view as to the rights of the States in the territories at this time is in harmony with his position on that subject expressed later in his Dred Scott opinion.

They are as follows:

"1. *Resolved,* That the Territories of the United States belong to the people of the several States of this Union as their common property. That the citizens of the several States have equal rights to migrate with their property to these Territories, and are equally entitled to the protection of the Federal government in the enjoyment of that property so long as the Territories remain under the charge of that government.

"2. *Resolved,* That all laws that have been passed by Congress for the purpose of excluding from the Territories of the Union property lawfully acquired by the citizens of the States under their laws, violate the rights of the citizens under the constitution.

"3. *Resolved,* That it is the duty of Congress to provide governments of the Territories, and to extend to them the sway of the constitution and laws of the Union. That the spirit of American institutions forbids the maintenance of military governments on American territories in time of peace. That it is the duty of the Federal government to refuse a recognition of foreign laws in American territories, which serve to bring into dispute the rights of the citizens of the States of the Union, to the enjoyment of their religion, property or personal security within their territories; but it should provide as ample guarantees for the exercise of those rights in the Territories as exist in the States of the Union.

"4. *Resolved,* That for the protection of the property recognized in the several States of the Union (as well as for other causes) the people of those States invested the Federal government with the powers of war and negotiation, of maintaining armies and navies, and of forming alliances and compacts, and denied to the State authorities those powers. That no discrimination was made in the Federal constitution as to the extent of the protection to be afforded, or the restriction of property to be defended. Nor was it permitted to the Federal government to determine what is property. Whatever the laws of the State constituted as property in the Federal government is bound to protect as such. It is therefore the sense of this convention that every

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resolutions except the first, which is identical with the original. The eleventh, twelfth and sixteenth of the original resolutions are omitted, and the thirteenth of the original is the eleventh of the resolutions as adopted. The fourteenth becomes the twelfth and the fifteenth the thirteenth.

act of the Federal government which places any portion of the property lawfully held in the States of the Union, out of the protection of the Federal government, or which discriminates in the nature and extent of the protection to be given to different species of property, or which impairs the title of the citizen in any of the Territories of the Union, without affording just compensation, is a plain and palpable violation of the obligations of the government and is contrary to the spirit and meaning of the constitution of the United States.

"5. *Resolved,* That the slave-holding States of this Union from a just regard to the constitution of the United States and to the rights and honor of their citizens cannot and will not submit to the adoption by Congress of any discriminations against the owners of slaves, in favor of other proprietors—nor that the imposition of any onerous conditions or restrictions shall be imposed by Federal authority upon the rights of masters to remove their property into the Territories of the United States.

"6. *Resolved,* That a plain recognition and a firm support of the equal rights of the citizens of the several States in the territories of the Union, on the part of the Federal authorities, with a repudiation of all power to make a discrimination against the proprietors of any species of property held under the laws of the States, would restore peace to the country and reconcile the divisions that now exist between the States. That it is the deliberate opinion of this convention that the toleration which Congress has given to the notion that the powers of the Federal government might be indirectly employed to overturn those institutions in the States which are confessedly beyond the direct control and jurisdiction of the Federal government constitutes a principal source of that discord which menaces the tranquility of the country and has reduced the Federal government to a condition of imbecility and inanition.

"7. *Resolved,* That we ask this recognition upon the authority of that fundamental principle of equality in the relations which the states and their citizens bear to each other in the constitution of the Union. This principle cannot be disturbed without disturbing the framework of the American institutions. The assaults upon the rights of the slave-holding States and Territories, are blows aimed at the constitution itself. The defenders of those rights are the defenders of the constitution. The men who would defeat or destroy them are guilty of infidelity to the constitution and if disunion follows from them, they are the disunionists.

"8. *Resolved,* That upon this principle the difficulties that environ the country would be removed. The Territories of the Union would be gradually settled and the population disciplined and improved without interference from wily politicians. Their institutions would be adjusted by the wants and opinions of the immi-

grants and their constitution as States would be the result of deliberate choice and not of extraneous intermeddling—a people thus formed might properly claim an admission to the Union and all would admit the sufficiency of the claim.

"9. *Resolved,* That upon this principle, the questions, in regard to the boundaries of Texas would lose their sectional character, and might be adjusted upon a magnanimous consideration of what is due from the United States without reference to the passions or prejudices of any part of the country.

"10. *Resolved,* That upon a recognition of this principle, a spirit of conciliation would be infused into the discussion of every question which has grown out of this controversy and a permanent and satisfactory adjustment could not fail to take place.

"11. *Resolved,* That the opinions avowed in Congress that it should be the policy of the Federal government to surround the slave-holding States with free Territories that slavery might be abolished in the States; that the enactment of laws restricting the removal of slaves to the Territories of the Union should be adopted: that the representatives of slave States in Congress should be cured of a propensity to declare wars and to make conquest: and that slaves become free by the fact of touching any soil of the United States beyond the jurisdiction of the States, are alarming manifestations of hostility to the equal positions of the slave-holding States in the Union, are dangerous declarations against their peace and tranquility, and demand from this convention a special notice and unmixed reprobation.

"12. *Resolved,* That the appropriations by the non-slave-holding States of the Union to their aggrandizement and use of Territories acquired by the expenditure of the blood and treasure of the people of all the States, cannot fail to produce lasting consequences of evil to the country. Whether the political ties which bind the parts of the Union together can withstand so enormous a pressure of outrage and injustice, this convention will not inquire. Conceding that they can sustain the trial, permanent heart-burnings, discontent and mistrust would certainly remain. The spirit of nationality which has marked the American people in the time of war, and which has secured success to their arms, would be destroyed. A want of confidence in the faith and justice of the common government would paralyze the energies of the soldier and confuse the counsels of the patriot. It would finally be a triumph of fanaticism, party spirit, sordid and selfish ambition and sectional hate, over the broad and comprehensive principles and the plain meaning, intent and purposes of the constitution of the United States.

"13. *Resolved,* That in the event a dominant majority shall refuse to recognize the great constitutional rights we assert, and shall continue to deny the obligations of the Federal government

to maintain them, it is the sense of this convention that the Territories might be treated as property, and divided between the sections of the Union, so that the rights of both sections might be adequately secured in their respective shares. That we are aware that this course is open to grave objections, but we are ready to acquiesce in the adoption of the line of 36 degrees 30 minutes north latitude as the line of division, as we did on a former occasion upon considerations of what is due to the stability of our institutions.

"14. *Resolved,* That it is the opinion of this convention that this controversy should be ended, either by a recognition of the constitutional rights of the Southern people or by an equitable partition of the Territories. That the spectacle of a confederacy of States involved in quarrel over the fruits of a war in which the American arms were crowned with glory, is humiliating. That the offer by the majority of terms of settlement which fourteen States regard as disparaging and dishonorable, is degrading to the country. A termination of this controversy, by a disruption of the confederacy or an abandonment of the Territories acquired in the treaty of peace, to prevent that result, would be a climax to the shame and disgrace which already attaches to it, results that it is the paramount and urgent duty of Congress to avert.

"15. *Resolved,* That this convention has no right to conclude that Congress will adjourn without making an adjustment of this controversy and in the present condition of the questions this convention does not feel at liberty to discuss the measure suitable for a resistance of laws involving a dishonor of the Southern States.

"16. *Resolved,* That when this convention shall adjourn that it adjourn to meet at this city the day of next."[34]

It is a curious fact that Campbell, who never pretended to be a diplomatist, should be best known to most readers of history for his connection with the negotiations about Fort Sumter. His intense desire to prevent the destruction of the Union and to avert civil war induced him to remain in Washington and exert every means at his command to bring about some peaceable settlement of the controversy between the Federal and the Confederate authorities. By his efforts in this connection, he was placed in a most embarrassing and difficult position.[35]

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[34] *Republican Banner and Nashville Whig,* Thursday, June 6, 1850.

[35] Mr. Thomas L. Bayne, of the New Orleans bar, who knew Judge Campbell long and intimately, has spoken of his position at this time as follows:

"It is scarcely possible now to conceive a more embarrassing, and at the same time more humiliating, position than that he was compelled to

An examination of all the facts connected with his conduct at this time shows, beyond all question, that he was actuated by the most honorable and patriotic motives. There is not a well authenticated fact on record to show that he misled or deceived any of the parties concerned. That Seward stated to Campbell that Fort Sumter would be evacuated is a matter of record and is not questioned. That Seward repeated this promise with emphasis as late as April 8th is a fact beyond question. There is nothing to show that there was any collusion between Seward and Campbell.

The Southern commissioners knew[36] the source of Campbell's information as to Sumter and on whom he relied for the pledges as to the evacuation of the fort, and were not deceived by anything Campbell did or said to them for which he was personally responsible.[37]

When the promises[38] as to the surrender of Fort Sumter were not kept, Campbell was indignant, and addressed a note to Seward in which he charged that the Confederate government had been deceived through the statements made by Seward and communicated to the Southern commissioners by Campbell as to the surrender of the fort. Campbell's note was dated April 13th, after Fort Sumter had been fired upon. It recited all the steps taken as well as the promises made, and expressed the opinion

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take at that time. He was opposed to the secession of the States, and it nearly broke his heart to think of the dissolution of the Union. And yet he had strong convictions in favor of the rights of the States; so that, practically, he had not the sympathy of either of the parties with whom he was conferring in the interest of peace."—*Proceedings* of memorial meeting, in honor of John A. Campbell in the Circuit Court of the United States at New Orleans, April 6, 1889, p. 13.

[36] *The Genesis of the Civil War*, p. 332.

[37] In the preparation of his book, *The Genesis of the Civil War*, Crawford had access to the papers and private correspondence of Secretary of State Seward and to the papers of Judge Campbell. He also had many interviews on the subject of the surrender of Fort Sumter with Judge Campbell, and made notes of them at the time.—*Genesis of the Civil War*, p. 461.

Mrs. Henrietta Campbell Lay, now of Baltimore, Md., daughter of Judge Campbell, in a letter to the writer, Oct. 21, 1904, says, "General Crawford spent evening after evening making notes from my father's conversation and examining his memoranda, concerning his interviews with Seward and the surrender of Fort Sumter."

[38] Original paper by Campbell quoted from the *Genesis of the Civil War*, by Crawford, p. 344.

that the equivocating conduct of the administration was the proximate cause of the great calamity. He concluded by stating that it was his profound conviction that the action of the authorities at Montgomery could be referred to nothing else than their belief that a systematic duplicity had been practiced upon them through him.[39]

Judge Campbell had been induced[40] to remain in Washington by Judge Nelson and to exert his efforts in the interest of peace. Judge Nelson had represented to him that he could be of great service to the country. They continued their efforts jointly until March 22, when matters became so complicated that Nelson decided to retire from further efforts in the matter and left Washington.[41]

Circumstances had so involved Judge Campbell in the negotiations at this time and his personal obligations to the commissioners were such that he could not have retired from further exertions in the matter had he so desired.

Crawford in his *Genesis of the Civil War* says:[42]

"When the delay in regard to any action at Fort Sumter became known, and matters seemed to be growing more serious, Justice Nelson retired from any further participation in the negotiations, and left Washington on the day of last interview, the 22nd of March. He was satisfied with the results of the efforts made by him in favor of peace, but he deemed that the task seemed to be growing further than he had contemplated. His

[39] No response was ever made by Seward to the communication of April 13.

"On the 20th, one week later, Justice Campbell enclosed a copy of his previous communication, disclaiming any conclusions unfavorable to the Secretary, nor any opinion not susceptible of modification by explanation. An explanation was, however, insisted upon, as the Justice thought that the assurances of the Secretary had been continued after the decision in regard to Sumter had been abandoned. In case of refusal he would not hold himself debarred from placing 'these letters' before such persons as were entitled to an explanation from him. His full title as Associate justice of the supreme court of the United States was signed to this communication. Thus ended the 'voluntary interposition' of an official high in position, and whose sole object was to prevent a collision which would inaugurate war between the States. Like many of his countrymen, he believed that, in the preservation of peace, a settlement would be ultimately reached that would satisfy the best and most patriotic minds, and to this end he devoted his best energies."—*Genesis of the Civil War*, p. 344.

[40] Burgess, *The Civil War and the Constitution*, vol. i, pp. 151-2.

[41] Crawford, *The Genesis of the Civil War*, p. 333.

[42] *Ibid*, p. 333.

colleague, Justice Campbell, was likewise impressed, but being so far involved, he determined, upon the advice of Justice Nelson, to continue until the evacuation of Fort Sumter, relying upon the alleged promises of the Secretary of State, and then to withdraw from further participation in the matter."

It was at this time that Justice Nelson, in reply to an inquiry of Justice Campbell if he could rely upon Seward, said,[43] "He will not deceive you."

It is not the purpose here to reflect on the honor of any man connected with this incident. There is no doubt that Seward told Campbell that Fort Sumter would be evacuated and that he repeated and reaffirmed the statement, several times. As late as April 8 he wrote[44] in response to an inquiry of Justice Campbell, "Faith as to Fort Sumter fully kept; wait and see." This pledge was not kept. It is also equally certain that Campbell felt that he had been deceived and that the Confederate authorities had been deceived by the pledges of the secretary of state as made to him and communicated by him to the Confederate commissioners.[45]

It is a reasonable conclusion to draw from a liberal consideration of all the facts and circumstances of the event that Seward did not intend deliberately to impose upon the confidence of Justice Campbell.

That Seward favored a peace policy is well known. It is also well established that Seward expected to exercise a much larger influence over the administration than he did, and that on account of his experience and reputation, and his prominence as the leader of the Republican party, and because of the lack of experience of the president in large public affairs, he ventured to speak for the administration to a degree he was not authorized to do.

It is probable that Seward made the representation to Justice Campbell in good faith, expecting that his peace policy would prevail, but that later he discovered that Lincoln was the real head of the government and that he had overestimated his own influence and authority.[46]

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[43] Quoted from *Southern Historical Society Papers*, in the *Genesis of the Civil War*, p. 333.

[44] From MSS. of Justice Campbell quoted by Crawford in *Genesis of the Civil War*, p. 340.

[45] *Genesis of the Civil War*, p. 344.

[46] Stanton to Buchanan quoted from Lothrop's *Life of Seward*, p. 275.

Campbell's persistent opposition to the policy of secession with the failure of the negotiations with regard to Fort Sumter, for which he was not at fault, and his remaining a member of the supreme court after Alabama had seceded, for which he had given the most reasonable explanation, caused him to be very unpopular in certain quarters at the South.[47]

After his resignation from the supreme court in May, 1861, Campbell returned to Alabama. Of his reception and the reasons for it he has given a very correct and full account in a letter to Judge Curtis written in July, 1865, and first published in the *Century Magazine* for May, 1889, from which the following quotation is taken:[48]

"You are aware that I was not a patron or friend of the secession movement. My condemnation of it and my continuance in the supreme court were regarded as acts for which there could be no tolerance. When I returned to Alabama in May, 1861, it was to receive coldness, aversion, or contumely from the secession population. I did not agree to recant what I had said, or to explain what I had done; and thus, instead of appeasing my opponents, I aggravated my offense. This was still more aggravated by my opinion that cotton was not king; that privateering would not expel Northern commerce from the ocean, but would affront European opinion, and that privateering and slavery would prevent recognition, and that the war would be long and implacable; that the Northern people were a proud and powerful

[47] The attack made on him called forth the following earnest protest from the Pickens *Republican* of May 20, 1861.

"Hon. J. A. Campbell.—Since Judge Campbell has resigned his place on the supreme court bench and returned to Alabama, we see some of the Mobile papers have been denouncing him in the most violent terms, on account of his former anti-secession views. This is altogether wrong. Judge Campbell is now with the South and should be encouraged and sustained. He brings to our aid an intellect massive and gigantic. Intellectually, he has no superior South. He was born and raised in the South, and is now thoroughly with us. We are glad he is on our side, and would like to see him put where his great talents could be of use to us. We are for getting all the help we can, and think it ruinous policy to be raking up old political records to stir up political strife among ourselves, when union and brotherly feeling are so important at the South. We see no sense in republishing Judge Campbell's letter of last November, with the view of prejudicing him in the public estimation. He is right now, and that's enough. We think the exhortation of the Apostle Paul should be heeded, "Now I beseech you, brethren, that ye all speak the same thing, and there be no divisions among you; but that ye be perfectly joined together in the same mind, and in the same judgment."—*The Pickens Republican,* Carrollton, Ala., May 20, 1861.

[48] *Century Magazine,* May, 1889, p. 950.

people that would not endure the supposed insults they have suffered, and that their 'pocket nerve' was not their most sensitive nerve."

He spent much of his time from May, 1861, to October, 1862, when he became assistant secretary of war, in alleviating the sufferings of the sick, wounded and bereaved, and in establishing hospitals and doing private charities.[49] He explained the circumstances of his being appointed assistant secretary of war in the Confederate government and his motives for accepting the office in his letter to Judge Curtis, in which he says:[50]

"I had no connection with the Confederate government in 1861 nor until the last of October, 1862. General Randolph, whom I scarcely knew, asked me to be assistant secretary of war, with an apology for doing so. Much of the business and feeling of the country centered in the war department, and there was a want of some controlling mind in regulating its civil and judicial business. The conscription brought all persons of military age under its jurisdiction; impressments affected property, military domination very often infracted personal liberty and private right. There had been vexation and delay in the transaction of business.

"I did not desire a conspicuous place, and every overture to place me in Mr. Davis's cabinet had been discountenanced with emphasis. I declined to go abroad. My wish was to be of use in mitigating the evils there were in the country. I cannot make you feel how large they were."

Mr. Thomas L. Bayne, of New Orleans, says:[51]

"I saw him often at that time, and was the medium of communication between him and General Randolph, the secretary of war, when he was requested to accept the position of assistant secretary of war; he said that he did not desire any office or position, but was willing to be detailed to do the work, and consented to take the office only when it was said that it must be filled by some one who was to discharge the duty which he had been asked to perform. All persons connected with the Confederate government know how faithfully he performed his duty: how much he impressed himself upon the legislation of the country; how humane he was in the administration of the laws of con-

[49] *Century Magazine*, May, 1889, p. 950.
[50] *Century Magazine*, May, 1889, p. 950.
[51] *Proceedings* of the Memorial Meeting, etc., p. 13.

scription, and how earnestly he labored to induce some settlement between the Confederate and Federal governments."[52]

Henry S. Foote said of Judge Campbell:[53]

"When I saw this highly endowed and eminently disinterested and patriotic man for many long and dreary months patiently and quietly performing the duties of a subordinate position in the war department, at Richmond, under the supervision of men, who, compared with him, were pigmies in intellect, I could not help mentally recurring to the noted case of Epaminondas, in the olden time, who was insultingly sentenced to sweep the streets of Thebes as a meet reward for public services which all the wealth and honors in the gift of his stupid and inappreciative countrymen would have been able but poorly and inadequately to requite."

Judge Campbell was one of the three commissioners on the part of the Confederate government at the Hampton Roads conference. Of the origin of this conference he says:[54]

"In December [1864] I wrote to Judge Nelson a letter inviting an interview with him, and asking that Messrs. Ewing, Stanton, or yourself [Judge Curtis] might come. I obtained a license to write this letter and to have this communication. * * * * I have never had a reply to the letter, though I was told there was one. In lieu of this there came Francis P. Blair."

Campbell went to the conference with a definite conviction that the Confederate government could maintain an organization but a very short time and that it was the duty of those in authority to agree on some terms of negotiation in the interests of humanity. He says:[55]

"My own purpose was to ascertain, if possible, the precise views of Messrs. Lincoln and Seward, as to the manner in which reconstruction would be effected, and the rights that would be

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[52] J. B. Jones, in his *Rebel War Clerk's Diary*, suggests that Campbell would have been appointed chief justice of the supreme court of the Confederate government had the bill for the creation of a department of justice passed. He also suggests that opposition to this bill on the part of many of the Confederate congressmen was due not only to their unwillingness to have a supreme court but to their personal opposition to Campbell.

[53] *Bench and Bar of the South and Southwest*, pp. 204-206.

[54] *Century Magazine*, May, 1889, p. 951.

[55] *Reminiscences and Documents Relating to the Civil War During the Year 1865*, by John A. Campbell, p. 16.

secured to the Southern States in the event that one should take place."

Mr. Campbell had no confidence in the theory advanced by Blair that an armistice might be formed while the Federal and Confederate authorities joined forces to expel Maximilian from Mexico. In fact, Mr. Stephens was the only one of the three commissioners who had any faith that anything might be accomplished by the proposition for an armistice. After Mr. Stephens had talked a good deal to Mr. Lincoln about it and had become entangled in an argument with Mr. Seward about State rights, Mr. Campbell asked how the reconstruction was to be accomplished, if the Confederate States consented to which Mr. Lincoln answered, "by disbanding the troops and permitting the National authorities to resume their functions." Mr. Lincoln stated early in the conference that he would entertain no proposition for an armistice and that Mr. Blair was not authorized to represent him as willing to entertain any such proposition.[56]

The conference failed because it was impossible for the Southern commissioners to treat with Mr. Lincoln on the conditions he imposed, namely, that all negotiations should be on the basis of one common country; for the instructions from their government were that they should base all negotiations for peace upon the recognition of the independence of the Confederacy[57]

Campbell thought the terms proposed by President Lincoln should have been accepted if they could not get better. He says:[58]

"There was, in my opinion, full justification for the appeal that peace on the precise terms offered at the Hampton Roads conference, if none better could be obtained, should have been accepted."

He was so thoroughly convinced of the necessity for peace that he did not cease his efforts after the failure of the Hampton Roads conference. He addressed a letter, February 24, 1865, to William A. Graham, a Confederate senator from North Caro-

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[56] Ibid, p. 15.
[57] *Ibid*, pp. 4 and 5.
[58] *Ibid*, p. 22.

lina, to show the advantages of accepting President Lincoln's terms over risking the consequences of a total defeat of the Confederate forces on the field of battle.[59]

He also addressed a long and carefully prepared letter to Gen. Breckenridge, the Confederate secretary of war, on March 5, 1865, to show that the treasury was empty and the resources of the Confederacy exhausted. He emphasized in this letter the deplorable and distressing conditions existing in many parts of the South and the unhappy political condition in many of the States. He closed his letter to Gen. Breckenridge with the following earnest exhortation, in which hope is alternating with foreboding of the gloom and disaster threatening the devoted Confederacy:[60]

"You cannot but have perceived how much of the treasure of the hopes and affections of the people of all the States, has been deposited in Virginia, and how much the national spirit has been upheld by the operations here. When this exchequer becomes exhausted, I fear that we shall be bankrupt, and that the public spirit in the South and Southwestern States will fail.

"It is the province of statesmanship to consider of these things. The South may succumb, but it is not necessary that she should be destroyed. I do not regard reconstruction as involving destruction, unless our people should forget the incidents of their heroic struggle and become debased and degraded. It is the duty of their statesmen and patriots to guard them in the future with even more care and tenderness than they have done in the past. There is anarchy in the opinions of men here, and few are willing to give counsel, and still fewer are willing to incur the responsibility of taking or advising action. In these circumstances I have surveyed the whole ground, I believe calmly and dispassionately. The picture I do not think has been too highly colored. I do not ask that my views be accepted, but that a candid inquiry be made with the view of action. I recommend that General Lee be requested to give his opinion upon the condition of the country, upon a submission of these facts, and that the president submit the subject to the Senate, or to Congress, and invite their action."[61]

Campbell was the only man who had held a position of any prominence in the Confederate government who remained in

[59] *Ibid*, p. 23.
[60] *Ibid*, p. 31.
[61] *Ibid*, p. 31.

Richmond after it was evacuated on April 2. He met President Lincoln, who came to the city on April 4, and had several interviews with him. He suggested that no restrictions of any sort be laid on the inhabitants save as to police and the preservation of order; to which President Lincoln assented.

He discussed the terms on which peace should be granted and the policy of reconstruction that should be adopted. An agreement was reached between President Lincoln and Mr. Campbell for calling the legislature of Virginia together looking to the reconstruction of that State, but the surrender of General Lee on April 9, and the assassination of President Lincoln April 14 put an end to these plans. Lincoln, had, however, at the instance of Stanton, revoked the order for the calling of the Virginia legislature, on April 12. Campbell remained in Richmond until May 22, when he was arrested upon a short and abrupt order from the war department, and imprisoned in Fort Pulaski, Georgia.[62]

He was released from prison after a few months through the influence and exertions of Judge Curtis and Judge Nelson, two of his former associates in the supreme court.

He settled in New Orleans in 1866, and resumed the practice of the law after an absence from it of more than thirteen years. The local laws of Louisiana are radically different from those of Alabama, where he had previously practiced for many years, and the rules of procedure in the courts were unfamiliar to him, but he set to work with prodigious energy and industry to master the laws of the State and to familiarize himself with the details of practice in the courts. He was fifty-five years old, a time of life when most men begin to slacken the pace of their exertions and to look forward to a period of some leisure. Judge Billings has spoken of his labors at this time as follows:[63]

"At better advantage, perhaps, than at any other period in his life did he show his indomitable character and the splendor of his talents when, at the close of the war, at the age of fifty-five years, houseless and penniless, without occupation—all aids to and even connections with it destroyed—he addressed himself, as would a

[62] *Recollections* of the Evacuation of Richmond, by Jno. A. Campbell.

[63] *Proceedings* of the memorial meeting in honor of Jno. A. Campbell, p. 16.

complete stranger, to building up anew a professional business. Like the fabled phoenix, he rose from his ashes, and on such pinions that the flight of his declining years was higher than that of his early manhood. By his natural gifts and his toil, as if he had been two distinct beings, he twice achieved fame and success at the bar, which would have satisfied the most ambitious man on either continent—the last time when he was no longer sustained and borne on by the tireless, adventurous spirit of a boy, but was compelled to rely upon the heroic elements and purposes within him, so strong that they could not be chilled by disappointment nor enfeebled by age."

After his return to the bar, he appeared as counsel before the supreme court of the United States in a number of important cases, and the arguments of no other man ever made a profounder impression on the court and bar for learning and ability.

Carson says:[64]

"When he resumed his place at the bar of the supreme court of the United States, his arguments became as renowned as any ever delivered before that tribunal. In the New Orleans Water Works case and in the suits brought by the States of New York and New Hampshire[65] against the State of Louisiana, he impressed himself most profoundly on the court, while in the Slaughter House Cases it is said: 'He seemed to have levied a contribution on the literature and learning of the world to enable him to show the intolerance of the common law monopolies.'

"Mr. Bancroft, the venerable historian, wrote to him to say, that his argument in the cases of the States of New Hampshire

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[64] *Supreme Court of the United States*, p. 353.

[65] The *New Hampshire and New York Cases* involved an attempt by the holders of certain bonds of the State of Louisiana to enforce their claims by assigning them to the States of New Hampshire and New York and having suits brought in the name of these States as plaintiffs.

The Slaughter House Case grew out of an act of the legislature of Louisiana, giving to the Slaughter House Company the exclusive privilege of establishing and maintaining stockyards, landing places and slaughter houses for the city of New Orleans, in which all stock must be landed and all animals intended for food were required to be slaughtered. The butchers of the city of New Orleans brought suit to restrain the Slaughter House Company in the exercise of these privileges on the ground that the grant of such authority to this company created a monopoly in the restraint of personal rights in violation of the thirteenth, fourteenth, and fifteenth amendments of the constitution of the United States.

This case reached the supreme court of the United States, where it was argued twice by Judge Campbell, in a manner which excited the utmost admiration for the extraordinary ability, learning, ingenuity, and eloquence displayed.

and New York against the State of Louisiana, was accepted as the best argument ever made before the court in his time."[66]

The amount and character of work accomplished by Judge Campbell was prodigious, both as practicing lawyer and as a judge on the bench. His memory was remarkably tenacious and accurate. In his great arguments before the court, he trusted to his memory for citations and references. During the longest argument, he used no memorandum, but turned to the books and pages of his authorities from his own recollection. It was his habit as a judge to inform himself on the details of the law, and evidence of cases coming before him.

"The members of the bar who appeared before him in the circuit court of the United States, know that his habit was, on the day before the trial of cases, to take the records of these cases to his room, and when he appeared in court on the following morning, he was perfectly conversant with the pleadings of each case and the law as applicable to the questions presented."

"He told me," says Judge Semmes, "that the custom of the court in the consultation chamber was, that the youngest or more recently appointed, should give his opinion first.

Feeling the responsibility of the position, and actuated by a just pride in the performance of duty, he studied the cases coming before the court some months before they were argued in court, so that when the argument was over, he was fully prepared to express an opinion and to sustain it by reason and authority. By pursuing this course for several terms, his opinion was always respected and it had great influence on the minds of his associates."[67]

Campbell was not a politician in any sense of the term as generally understood, and his patriotism was eminently disinterested. These two facts often caused him to be misunderstood. There was nothing in his appearance and manner, or in the character of his services, to make him a popular idol. The work of even the most eminent lawyers and judges is done away from the attention of the public and is devoid of the picturesque. The most far reaching decisions are generally of little or no popular interest except as they touch some current political question. For

[66] Memorial Meeting in the circuit court of the United States, New Orleans, p. 14.

[67] *Ibid*, p. 5.

these reasons, Judge Campbell is not as generally known by the present generation as his ability and the character of his services deserve. He belonged to the intellectual type of man. Although he possessed the warmest and tenderest feelings and sympathies, yet when the occasion demanded, every other element and characteristic of his nature was dominated and controlled by a cold, masterful intellect.

He was tall, and his whole bearing and presence commanded attention and respect wherever he went. His manner in publlic and towards strangers was cold and austere, and his expression abstracted. Amongst his friends, his conversation was delightful,[68] and contained an admixture of humor in sharp contrast to his manner and expression as he appeared to those who did not know him well. His habits and manner of life were simple. The following from an address by Mr. Bayne, of the New Orleans bar, expresses the estimate of one who knew him well and intimately for many years:

"As a profound lawyer, a wise judge and patriotic statesman, Judge Campbell has merited the admiration of all good men. In his family circle and among his friends he was greater still. Here he was as tender, gentle, and affectionate as a woman. He neither knew nor saw any wrong in those whom he loved, and in return, those who were nearest to him loved him past all understanding. In early life, he had promised his mother that he would each day of his life read a chapter in the Bible; this he fulfilled. And I remember to have seen upon his table the Bible used by him, with a regular memorandum made therein, of the number of times he had read it. He was familiar with the Old and New Testament as he was with the alphabet, and all of you will remember how much of these was incorporated in his arguments before the courts and in his daily conversation. Commenting upon the appearance of a new book upon what is denominated Modern Christianity, he pointed to his large library of books on religious subjects, and said: 'I have read all of these, but after all, I return to the teachings of Jesus Christ as given in the New Testament, and as practiced by the plain and honest people with whom I passed the early years of my life.' "[69]

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[68] Garrett's *Public Men in Alabama,* pp. 287-288.
[69] Memorial Meeting, pp. 14 and 15.

Appendix A.

PAPERS, LETTERS AND DOCUMENTS OF JOHN A. CAMPBELL.

Slavery in the United States, in the *Southern Quarterly Review*, July, 1847.

Slavery Throughout the World, *Southern Quarterly Review*, April, 1851.

The Rights of the Slave States, *Southern Quarterly Review*, January 1851.

Resolutions adopted by Nashville Convention, in *Republican Banner and True Whig*, June 6, 1850.

Account of Creek Indian War, 1836. In Transactions of Alabama Historical Society, vol. iii.

Memorandum of Hampton Roads Conference. Reminiscences and Documents Relating to the Civil War. Printed by John Murphy & Co., Baltimore, 1887.

Letter to Judge Nelson, 1864 (not located).

Letter to ex-President Pierce, December 24, 1860 (not located).

Letter to Judge Curtis in the *Century*, 1889.

Facts of History (manuscript not located).

Letter to L. Q. C. Lamar, 1860, in Mayes' *Life of Lamar* (1894).

Address before Alabama Bar Association, Proceedings, 1884.

Opinions as a Justice of the Supreme Court. In volumes of Reports from fifteenth Howard to first Black.

Report to Governor Chapman on an overland communication from Memphis to the Pacific Ocean, *Advertiser and State Gazette*, Nov. 14, 1849.

Letter to Montgomery Mass Meeting, *Advertiser and State Gazette*, August 13, 1850.

Letter to Prattville Dinner on the Compromise of 1850, *Advertiser and State Gazette*, Dec. 11, 1850.

Report on Alabama Banks, Garrett's Public Men of Alabama.

Recollections of the Evacuation of Richmond, printed by John Murphy & Co., Baltimore, 1880.

Sketch of Francis Strother Lyon, printed in sketch of Lyon, by J. L. M. Curry.

Letter to Daniel Chandler, November 26, 1860, *Mobile Daily Mercury*.

Letter to Daniel Chandler, November 24, 1860 *The Independent*, Gainesville, Ala., Dec. 22, 1860.

Opinion in Quitman Case, *Advertiser and State Gazette*, July 26, 1854.

Memoranda of interview with Secretary Seward, 1861.

Genesis of the Civil War, by Crawford.

Appendix B.

[From the "Correspondence of J. C. Calhoun," edited by Dr. J. F. Jameson, in *Report* of the American Historical Association, vol. ii (1899).]

LETTER FROM JOHN A. CAMPBELL TO JOHN C. CALHOUN.

Mobile, *20 Nov'r 1847*.

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In the first place allow me now to express to you how warmly and cordially I sympathized in your opinions and feelings in all the measures connected with the declaration of war upon Mexico. The folly of that proceeding was so stupendous that one has hardly an opportunity to contem-

plate its wickedness. You must now derive in the approbation of all right minded men in the country a compensation for the scurrilous abuse to which you were subjected.

It is clear to us, that the difficulties on the subject of slavery, in so far as the action of parties and politicians have occasioned difficulty, are rapidly approaching the degree, that a settlement will be soon required of them. Things cannot remain as they now are. The Wilmot Proviso is that which naturally excites most interest. I regard the subject of the acquisition of new territory mainly as it may affect the *balance* of power in the Federal government. What will be the effect of any large acquisition? Will it be to preserve the balance of power as it now exists? The territory is wholly unfit for a negro population. The republic of Mexico contains a smaller number of blacks than any of the old colonies of Spain, and tho' this is not conclusive, yet it is a persuasive argument that negro labor was not found to be profitable.

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If this is the case all acquisitions of Mexican territory results in an increase of the strength of the non-slave holding States and a corresponding diminution of our own.

I have purposely left out of view the more general question whether a further extension of our limits is desirable. I suppose that if such an extension would result in a serious disturbance of the present action of the government of the United States that it is to be deprecated.

The first consideration then for Southern men to take is, could it be used as a slaveholding community or would it be filled by a mixed population of masters and slaves? My impression is that its population would be in a great measure of the free class.

Let us suppose that I am in error and that the territory acquired might be used by a slaveholding community. Still, the largest share would fall to the non-slaveholding States. I take it that the line of slavery is gradually being removed southwardly and that the largest portions of the occupied lands above the 35 degrees and below 36 degrees 30 minutes of north latitude will be cultivated exclusively by a free population;—and that the line above which slaves cannot be used to advantage will be found to be as low as the 34 degree of north latitude.

If Mr. Polk should obtain the line that he proposes under the Missouri compromise the non-slaveholding States would be the largest beneficiaries. Looking then at the question of the acquirement of new territory as it affects the balance of power between the North and South, I cannot see any ground for a hope that we should receive an equal share of advantage.

Regarding the question of acquisition in a more general and comprehensive view I still have been adverse to the acquisition.

This war was not brought on by any act and I may say any fault of Mexico. Our President invaded a territory claimed by that republic and over which its laws prevailed. Our armies met the armies of Mexico and assailed and defeated them. Our Congress before any notice of the fact of an encounter and upon the loosest information makes a proclamation of war. We have maintained a very triumphant contest and have seized their capital. I confess that I do not find in any facts that have been presented a just ground for dismembering their territory.

2. I have very great fears that the existing Territories of the United States will prove too much for our government. The wild and turbulent conduct of the western members upon the Oregon question and their rapacity and greediness in all matters connected with the appropriation of the revenues induces great doubt of the propriety of introducing new States in the Union so fast as we do. The connection of the Whig party with the Abolitionists has never disturbed me a great deal for the reason that the Whig party is *governed* by its leading and reflecting men. The tone of the

party is derived from men of property and character and they are in a measure held to respect property guaranteed by the constitution and laws of the country. The union of the Democratic party with the Abolitionists I have regarded as far more dangerous because they are held by few restraints and are ready to go farther lengths to carry their ends. I have a similar feeling in regard to legislators from the Western States. Their notions are freer, their impulses stronger, their wills less restrained. I do not wish to increase the number till the new States already admitted to the Union become civilized.

My opinions lead me to refuse territory. Suppose the point to be settled that territory shall be admitted. I wish it received on no other terms than those of strict equality. I wish a counter proviso to the Wilmot Proviso to the effect that the first of your resolutions and with a definition of property, viz: what the laws of the State from which a citizen may remove may define as property. And that this condition shall so remain until the people of the Territory shall form a State and be admitted to the Union, and this I would like to see a part of the treaty of peace.

The Wilmot Proviso I take it, will not be pressed upon Congress at its next session, unless it comes in the shape of instructions to the President in regulating his conduct in making a treaty. I do not believe that the President will be disposed to encounter that question. He will place upon Congress the responsibility of determining the war and the propositions of Santa Anna will be the basis. The question will then be evaded by the Act of the Whig party and the Northern Democrats. I have always suspected that the administration would not ask for a line to the south of the 36 deg. 30 min. of north latitude and whether he asked it or not, I have always supposed that this War would terminate by securing no larger portion of Mexican territory than is found north of that line. I have done the President injustice by my suspicion. I am satisfied that the Northern people would willingly yield the land between the Nueces and the Rio Grande and take California—at least such would be the inclination of their politicians.

It appears to me viewing all these things together, that the true course to pursue is to resume as well as we can our positions before the war commenced. The matters of boundary and of debt have to be adjusted and we must consider the expenses of the war and the losses sustained in our armies as the penalties—the dreadful penalties of having selected an incompetent man to be our President. Do you think we will be taught anything by it?

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I also concur with you in the opinion that we should put an end to this constant warfare upon slavery. Already it has impoverished our credit and it daily weakens our moral power. Our States are fast losing their respectability. The tide of emigration flows past them. They are carefully avoided. Our people look to the future without confidence and our slaves are emerging above their condition, not in intellect or moral culture, but in feeling and temper. They begin to understand that society is being moved on their account. The Abolitionists profess a revolutionary purpose. They openly promulgated design to subvert the Union. The other classes of the Northern people perform all the acts of the Abolitionists without avowing the same purposes.

Appendix C.

[From *Advertiser and State Gazette*, Aug. 13, 1850.]

Mobile, *Aug. 13, 1850.*

Gentlemen: Your letter, inviting me to a mass meeting at Montgomery the 17th inst., held for "the free discussion of such questions as are of

interest to the people of the South, and at present agitated in the legislative councils of the nation," has been received. At no period within the history of the United States, have there been so many questions involving the peace of the country and the frame and constitution of the government as at the present. The Southern States, for several years past, have been vainly contending for a recognition from Congress of the rights of their citizens to migrate with their property to the territories, won by the blood and treasure of all the States, and held as their estate in common. While the contest was undecided, and the people of the South left in painful suspense, whether their claims to equality would be recognized, Senators representing Southern constituencies, have risen in their places in the Senate and threatened to use the military arm of the government against the people of those States who might refuse to submit to terms of settlement which they deem to be ignominious and disgraceful. Before the country has had time to recover from the shock produced, insolent, and if executed, unconstitutional—menaces rendered more revolting as their authors have self-appointed ministers of peace and conciliation, and who denounced internecine war, claiming the power to use the army and the navy of the United States, was sent to Congress.

It is well known that General Washington slowly consented to these measures which resulted in the overthrow of the British authority in the colonies. When, however, the Colonial Governors had resorted to an armed force, and assailed, at Concord and Lexington, the citizens of Massachusetts, he addressed a friend in these words: "Unhappy it is to reflect, that a brother's sword has been sheathed in a brother's breast, and that the once peaceful and happy plains of America are either to be drenched with blood or inhabited by slaves. Sad alternative! But can a virtuous man hesitate in his choice?"

I trust a voice will go forth from your discussions to the authorities at Washington, that the pursuit of such counsels at once infatuated and lawless, will leave to the citizens of the South only the alternative contained in the letter of Washington. I trust that there is not a living being between the Chesapeake and the Rio Grande, when the alternatives are thus presented, who will not adopt the choice of the Father of his Country.

Whenever the Federal government, and much more, when a single department of the Federal government, upon a question—a question of a disputed title to property—shall venture to employ the army and navy of the Confederacy to subdue one of its members, it is clear that the very foundations of the Union are at once subverted.

In this case, the pretension is the more intolerable as a former administration recognized the claims of Texas to the disputed territory, and it is but lately that the Executive Department has thought fit to question it. One cannot but feel that the same adverse influences that have assented in Congress to the denial of the rights of the South to equality in the Union, are now operating upon the Executive Department to insure the dismemberment of Texas.

For one, I prefer to see every soldier discharged from the service, and every ship rotted at the wharves, than to see either employed upon a mission so destructive to the peace of the Union, and in violation of the constitution of the United States.

I trust, also, gentlemen, that in your discussions, the noble, patriotic, I might say, heroic conduct, of the Senators and Representatives of the Southern States, who have opposed the unequal and injurious compromise bill reported by the Committee of Thirteen, and who are now eloquently and nobly contending for the rights of the Southern States in the territories, will attract your notice.

Their conduct in this great crisis places them in the rank of the Hampdens, Elliott, Pym, Vane and St. John, of Great Britain, and Patrick Henry,

James Otis, Samuel Adams, and the Rutledges and Gadsdens, of the anti-revolutionary times in this country.

Their struggle in Congress may be in vain, but while it is going on, let their hands be strengthened and their hearts fortified by the approbation of the people of those States whose rights they are maintaining.

I regret that I am not able to participate with you on the important and interesting occasion. I am, gentlemen, with respect,

Your obedient servant,

JOHN A. CAMPBELL.

MESSRS. R. C. SHORTER, R. F. NOBLE, &c., *Committee.*

APPENDIX D.

[From *Advertiser and State Gazette,* Dec. 11, 1850.]

MOBILE, ALA., *November 10, 1850.*

GENTLEMEN: Your letter inviting me to a dinner to be given at Prattville to the Hon. S. W. Harris, in approval of his course upon the slavery questions in Congress, has been received. Believing that the conduct of Mr. Harris upon these questions was in exact accordance with his duty as a representative from Alabama, I should take pleasure in joining in your tribute.

The position of the Southern Representative, who is loyal to his constituents, is not without his trials. His only recompense is in the approbation of his constituents—his prospects of a national reputation are, for the most part, indifferent. "National reputations" are generally of Northern manufacture, The material furnished by the Southern Representative consists generally of the sacrifice of Southern interests; the abandonment of Southern principles, the surrender of Southern rights and concessions to Northern rapacity. The duty, therefore, of cherishing a faithful exponent of Southern feelings and principles is imperative. I take much satisfaction in the example you display in the performance of this task.

The policy sustained by Mr. Harris, had it been adopted, would have been of incalculable advantage to the country. The Southern States, from the Chesapeake to the Rio Grande, would have been united by the fact that in the Confederacy, they had been treated and used as equals. A measure of simple justice, a plain and incontrovertible act of fair and honest dealing, by the Federal government, would have bound the Southern States by the ties of gratitude and affection, to the Union. We should have forgotten bounties to Northern navigation and manufacturing interests, or the inequalities of Federal appropriations and expenditure. So torn have been the feelings of the Southern States by the calumny and insult to their domestic institutions, that justice would have been accepted and have created a heavy obligation. The South, united and ardent, could have borne down opposition to equal legislation and have upheld the Union against the machinations of its enemies. This policy was then the conservative policy.

It was not adopted—California, by an infamous juggle, was constituted into a State, and her claims to admission into the Union sanctioned. Southern property in New Mexico and Utah is subjected to litigation and embarrassments from Mexican laws, and their ignorant and mixed population have been empowered to legislate against it. A spurious claim upon Texas was preferred and to make it perfect for free soil purposes, the treasury has been burdened with $10,000,000. The slave trade has been abolished in the District of Columbia in the most acceptable form for the abolition taste. These measures leave the Southern States under a strong sense of their injustice and incapable of making an effort for a government that has wronged them—while the abolitionists North are incensed that

all their demands were not yielded, thinking with Charles XII, "nothing gained while aught remains."

Mr. Gordon, of Massachusetts, in the convention that formed the Constitution of the United States, "desired it to be remembered that the Eastern States had no motive to unite but a commercial one. They were able to protect themselves—they were not afraid of external danger and did not need the aid of the Southern States." The events of the past year have strongly confirmed the truth of this declaration. The inquiry is now going on in the Southern mind whether it is worth our while to submit to burdens, endure sacrifices, bear obloquy, and suffer injustice in order to advance the "commercial" views of a people who have shown enmity in peace, and in war were hardly allies.

While this inquiry is obtaining a salutation, there are plain duties which we should perform; maintain every Southern interest and enterprise—encourage Southern industry and art—help Southern men who are faithful to our cause—cherish Southern schools, colleges, churches, and private happiness, and under no circumstances are they unimportant to the well-being of the State.

With much respect,

Your obedient servant,

JOHN A. CAMPBELL.

APPENDIX E.

[From *The Independent*, Gainesville, Ala., Dec. 22, 1860, quoted in the Mobile *Tribune*.]

WASHINGTON CITY.
Nov. 24, 1860.

MY DEAR SIR:

Your letter of the 17th inst., requesting me to give you the result of my reflection upon the present crisis, has been received. I proceed to comply with your request.

The election for electors of President and Vice-President having resulted in favor of the candidates of the Republican party, the persons chosen by them must be inaugurated, if the constitution and laws of the United States remain in force. The single question is, whether the fact of their election affords a legitimate cause for the overthrow of the Union of the constitution and laws, and a consequent dissolution of these States?

I shall not consider the question of the natural, moral, or constitutional right of the people of Alabama to dissolve the Union. My purpose is simply to consider the reasons assigned for exercising the right, supposing it to be conceded. These reasons are contained in the preamble to "joint resolutions of the General Assembly of Alabama, calling a convention in a certain contingency in the election of a President of the United States," approved February, 1860. It is also as follows: Whereas, anti-slavery agitation persistently continued in the non-slave-holding States of this Union, for more than a third of a century, marked at every stage of its progress by contempt for the obligation of law and the sanctity of compacts, evincing a deadly hostility to the rights and institutions of the Southern people, and a settled purpose to effect her overthrow, even by the subversion of the constitution and at the hazard of violence and bloodshed; and whereas, a sectional party calling itself Republican, committed alike by its own acts and antecedents, and the public avowals and secret machinations of its leaders, to the execution of these atrocious designs, has acquired the ascendency in nearly every Northern State, and hopes by success in the approaching Presidential election, to seize the Government itself; and whereas, to permit such a seizure by those whose unmistakable

aim is to pervert its whole machinery to the destruction of a portion of its members, would be an act of suicidal folly and madness, almost without a parallel in history: and whereas, the General Assembly of Alabama, representing a people loyally devoted to the Union of the constitution, but scorning the Union which fanaticism would erect upon its ruins, deem it their solemn duty to provide, in advance, the means by which they may escape such peril and dishonor, and devise new securities for perpetuating the blessings of liberty to themselves and their posterity, &c.

Upon these reasons the General Assembly have thought it to be expedient to provide for the election of one hundred men, in the different counties, within a short period after the Presidential election, and have invested them with power "to Consider, DETERMINE, AND DO *whatever in their opinion*, the RIGHTS, INTERESTS *and* HONOR of the State of Alabama require to be done for their protection." That is, so far as the General Assembly have the power (and I confess that I am wholly at a loss to know whence comes that power) they have abdicated their own functions, and have committed to a single body of one hundred persons for an indefinite period, all that belongs to the people of Alabama —their rights, interests, and honor—to be disposed of as they in their opinion, may deem meet. The commission is as broad as that of the Roman Dictator, and I do not know that the danger is less, from the possession of an unlimited and arbitrary power, whether in the hands of one hundred men or of one man. I remember that in the darkest hour of the revolutionary history of Virginia, when Arnold and Phillips were ravaging her coasts, and Tarleton and his dragoons were making the country desolate, that there was some proposition to make Patrick Henry dictator. Mr. Jefferson then recorded his opinion, that "the very thought was treason against the people; was treason against mankind in general; as riveting forever the chains which bowed down their necks, by giving their oppressors a proof which they would have trumpeted through the Universe, of the imbecility of Republican governments in times of pressing danger to shield them from harm."

It is not to my purpose to discuss the joint resolutions of the General Assembly, either in respect to the constitutional competency to surrender the rights, interests, and honor of the people to a body unknown to the constitution of the State, or as to the propriety or policy of that measure The charges of the General Assembly are:

1st. That the anti-slavery agitation in the non-slave holding States evinces a deadly hostility to the rights and institutions of the slave-holding States and a settled purpose to effect their overthrow by the subversion of the constitution, and at the hazard of violence and bloodshed.

2d. That the Republican party is committed to the execution of that purpose, and hope to seize the government with the design of employing it for the accomplishment—for the "Unmistakable aim is to pervert its whole machinery to the destruction of a portion of its members."

The General Assembly affirms that to permit such a "seizure" would be an "act of suicidal folly and madness" on the part of those who are menaced, and resolved that upon the election of a President advocating the principles and action of the party in power in the Northern States, calling itself Republican, that a convention of the kind before described, shall be convoked (and so forth.) &c.

Roman history informs us that Nero at one time, formed the resolution to massacre the Senate of Rome, set fire to the city, and let loose his whole collection of wild beasts to devour the people in the general consternation. The General Assembly have described a Presidential Nero—a man *seizing* the powers of the Federal government, at the head of a party "deadly hostile," and with the "unmistakable aim" to use them to the destruction of a portion of the people by the subversion of the Constitution,

and their rights and institutions. I cannot but think that the picture drawn in these resolutions must have had for a prototype the raid of John Brown. I assume that Mr. Lincoln will be elected President of the United States conformably to the Constitution, and that he will be inaugurated according to law and usage. There will be no *seizure* or usurpation of the office. The persons who elected him are from one million and three-quarters to two millions of voters in the different States, and are in the majority in fifteen States of the Union. The party that nominated him is ruled in respect to some questions by ideas confined to one of the two great sections of the Union, and these ideas are of no mean consequence in the domestic relations of the two sections.

The election of Mr. Lincoln I regard as a calamity to the country, as it has undermined, if not destroyed, the confidence—the diminished confidence—of a portion of the Southern States towards the Federal government.

> "Peace exists only betwixt confidence
> And faith. Who poisons confidence, he murders
> The future generations."

The Democratic party which has assumed to provide for the stability, energy, and repose of the Union, and claim the support of the people to execute that great duty, was rent during the Presidential canvass by scandalous factions, who employed the summer in biting and devouring one another, taking no heed, lest they might consume one another. They left the government exposed as an easy prey to a party numbering less than one-third of the voters of the Union. The question before us is not whether a more acceptable election could not have been made. In my opinion, Mr. Hunter might have been nominated at Charleston with proper care, and his enlightened statesmanship, scrupulous integrity, moderation and virtue, would have been recognized by the people, and his administration would have been as favorable to the country as that of Jefferson. But the question is, whether Mr. Lincoln will come to the Presidential office with "the unmistakable aim to pervert the machinery of government to the destruction of its members." Does this election show an integral of mischief, calculation, malice, dispositions regardless of constitutional or confederate obligation, and fatally set to work wrong and injustice? No man, no body of men, is authorized to arouse the evil passions, the restless desires, the factions, proscription, hate, revenge, incident to revolution; nor to disturb the clear and written law, the deep trod foot marks of ancient custom, the healthful industry, the confident calculations, the faith, duty, quiet, content and repose of civil society, upon grievances speculative or contingent, or upon the apprehension of evil, that are not imminent and beyond the reach of regular and constitutional modes of redress. It was never anticipated by the framers of the constitution of the United States, that the President selected by the electors, would always be a capable or a virtuous man. The wisest member of the convention (Dr. Franklin) said: "The first man put at the helm will be a good one. No body knows what sort may come afterwards." The difficulty of adopting a plan of election disturbed the convention during its whole session. "In every stage," said a Virginia member, "the question relative to the executive, the difficulty of the subject, and the diversity of the opinions concerning it, have appeared." There were propositions that the election should be made by the people at large; by the Legislatures of States; by the Executives of States; by the free-holders voting for several candidates, by Congress, by the people of each State nominating one of its citizens, from which nominees a choice should be made, and by *lottery*, from a certain number of members of Congress. The plan adopted into the constitution was once rejected, and late in the session of the convention, its was reported by a committee, and adopted without discussion. That he might have no

opportunity to conspire against the public liberty, propositions to confer the office for life, or good behavior, or even six years, were rejected. The tenure of the office is for four years, and it is plain that a reëlection will, hereafter, be an exceptional case. In the chief of his executive duties he is placed under the supervision of the Senate and no observant man at the seat of government will say that the check is nominal. The Senate has secured a large influence, not to say undue ascendency, in the administration of the government. In the most important of his administrative duties he is subject to the control of Congress. The House of Representatives will rarely be on strictly accommodating terms with a President or a Senate. That body, if properly chosen, is a real control for the people. Besides these constraints upon the Executive, the constitution has demanded of him a specific and comprehensive oath of office, and denounces him for impeachment upon the commission of crimes and misdemeanors. Fifteen persons have exercised the functions of President since the Constitution was adopted. I do not know of a stain upon the public character of either of them. Upon their public conduct there has been uniformly the impress of personal honor. In a number of instances the country was torn by violent factions at the time of their election and during their continuance in office, and threats of disunion were loud and deep from the minority.

The case of Mr. Jefferson is an instructive one. Federalists of the highest character and largest influence regarded his election as the triumph of Jacobinism. One of them wrote, "We have no part in Jefferson and no inheritance in Virginia. Shall we return to our own vines and fig trees, and be separate from the slave-holders?" Another wrote, "If we were peaceably severed from the rest of the United States, with perhaps some other States joined to us, and left to manage our own affairs in our way, I think we should do much better than we now do". Roger Griswold, a very prominent leader, "was without doubt or hesitation (says one of his friends) decidedly in favor of dissolving the Union and establishing a Northern Confederacy. He thought it might be effected peaceably, and without a recourse to arms." But Mr. Jefferson was reëlected—all New England, except Connecticut, voting for him, and there being only fourteen electoral votes against him.

I suppose you will recollect the time when blue cockades and minute men, and measures tending to disunion were plentiful, during General Jackson's administration,—when he was denounced as a tyrant, usurper, and a "toothless tiger." Yet only one of the Presidents has had a wider popularity than he, or had more of the respect and affection of his countrymen. The fact that Mr. Lincoln has been chosen President of the United States, in my opinion, is not a sufficient cause for the dissolution of the Union. The circumstances of his election impose the duty of moderation on his part, and circumspection on the part of his supporters, in all that concerns the irritating and disturbing question of slavery. He is under an imperious necessity to mould his measures of administration so as to conciliate the sober opinion and calm judgments of the people.

I do not fear either the influence of his party over him or his own disposition. There is a radical division in his own party, and he was chosen because he was more conservative and constitutional in his opinions and ideas than his opponent.

My inquiries of most respectable and reliable gentlemen who know him, confirm me in this opinion.

But if he were bad and disposed to work mischief, I have too much confidence in the constitution of my country to suppose that it does not afford a sufficient remedy in case of his wickedness. It is our pride and glory that for all the evils of government, there are constitutional modes of redress for every citizen. I am wholly unwilling to dishonor them before the civilized world, by any *coups d'etat* or insurrections against their authority except as a last resort. I consider the election of Mr.

Lincoln as a fact of grave significance, not to be acquiesced in silently. When taken in connection with the anti-slavery agitation and the principles that have contributed to his success, I am not surprised that a strong and pervading sentiment of resistance should have arisen, and have sought expression through public meetings, legislative assemblies, and State conventions.

I have considered this subject under the single point of view of the election of Mr. Lincoln as President. There is another question of wider scope and far more difficulty, which I will consider in another letter.

That question is the anti-slavery agitation and the course that it is proper for the slave-holding States to adopt to secure peace and obtain exemption from further interference. I am truly yours,

JNO. A. CAMPBELL.

DANIEL CHANDLER, ESQ., Mobile, Ala.

APPENDIX F.

[From the Mobile *Daily Mercury*, Friday Morning, May 17, 1861.]

THE CRISIS-LETTER FROM THE HON. JOHN A. CAMPBELL.

WASHINGTON CITY, *Nov. 26, 1860.*

MY DEAR SIR: In order to explain my views fully upon the subject of your inquiry, I propose to ascertain the position of the Southern States, upon the various questions connected with the slavery agitation in the short period of peace in the years 1852-3. The conventions of Georgia and Mississippi, after a mature consideration of the series of measures of Congress, for the admission of California, the organization of Utah and New Mexico, the settlement of the boundary of Texas, the suppression of the slave trade of the District of Columbia, and the extradition of the fugitive slaves, in connection with the rejection of the Wilmot Proviso, and the refusal to abolish slavery in the District of Columbia, agreed to abide by them as a permanent settlement of the sectional controversy. They declared they would resist to the extremity of disrupting the Union, the abolition of slavery in the District of Columbia, or in the Forts and Arsenals, &c., the suppression of the slave trade between the States, the adoption of the Wilmot Proviso, or the refusal to admit new States, because their constitutions tolerated slavery. They expressed the opinion that the faithful observance of the fugitive slave act, was essential to the preservation of the Union. Alabama did not have any convention, and her general assembly did not adopt any corresponding declaration; but the acquiescence of the people in the Georgia platform was indicated by unequivocal evidence.

In what condition was the subject of slavery as respects the territories at the date of these declarations? By the Act of March, 1820, for the admission of Missouri, slavery was prohibited in all the Territory acquired from France, north of 36° 30′ north latitude, and there being some doubt whether Oregon was held under the French treaty of 1803, slavery was prohibited there by the Act of August, 1848. There was a question whether the Mexican laws, prohibiting slavery, were not in force in Utah and New Mexico. Some of the most prominent statesmen of the Union declared them to be in force, others thought differently.

This question was left open. The right of the master to carry his slaves into territory south of 36° 30′ north latitude was not denied. In 1854, the prohibition contained in the acts of congress of March, 1820, and of August, 1848, relating to Missouri and Oregon were repealed by the Nebraska and Kansas Act, and the rights of the slave-master made to

depend upon the operation of the Constitution of the United States in the Territories.

In the spring of 1857, the supreme court of the United States determined, in the case of Dred Scott, that the Act of March, 1820, while in force, did not operate to divest the title of the master to a slave who had been removed from one of the States into the territory in which it applied. The result of this constitutional legislation and judicial decision, is to remove from the statute book all hostile legislation against slavery in the Territories, and from the jurisprudence of the United States the principle of such legislation. The "statu quo" of this question ought then to be satisfactory to the Southern States, and I infer it is: for when their Senators were asked to vote for protection of slavery in the Territories, they answered in the negative. In some of this hostile and unconstitutional legislation, I cannot say that the entire responsibility belongs to the North. The validity of the act of March, 1820, as constitutional, was supported by eminent Southern authority, and the obnoxious section in the act (8th section) was introduced into it in the Senate, the slave-holding States voting fifteen votes for it, to eight votes against it. The vote of Alabama in favor of the amendment was cast by William R. King and John W. Walker, and in the House of Representatives by John Crowell, her only representative. I do not refer to these facts as any matter of imputation or complaint. I do not regard it to be so. But I mean to say that the right of the slave holder of Alabama to remove with his slaves to any Territory of the Union, at this time, has been lately established, against the force of concessions made by his own Senators and Representatives by the authorities of the Federal government, acting under their sense of constitutional obligation and duty. In 1850, the Nashville Convention composed of delegates from the Southern and Southwestern States, resolved "that the performance of their duties upon the principle we declare (the principle of equality now in force) would enable Congress to remove the embarrassments in which the country is now involved. The vacant Territories of the United States, no longer regarded as prizes for sectional rapacity and ambition would be gradually occupied by inhabitants drawn to them by their interests and feelings. The institutions fitted to them would be naturally applied by government, formed on American ideas and approved by the deliberate choice of their constituents. The community would be educated and disciplined in habits of self-government and fitted for association as a State, and to the enjoyment of a place in the Confederacy." They, at the same time, resolved, "That a recognition of this principle would infuse a spirit of conciliation in the discussion and adjustment of all the subjects of sectional dispute which would afford a guarantee of an early and satisfactory termination."

The subject of dispute principally referred to in this resolution was concerning the rendition of fugitive slaves; those of the boundary of Texas, and the settlement of the Territories, having been previously considered. There is no other subject connected with the administration of the Federal government that requires to be approached with more discretion, and with a greater spirit of moderation and candor. A fugitive slave is possessed of intelligence, activity, powers of endurance, and ardent desires for a change of condition. He has, therefore, great resources to aid his flight. In the Northern States there are societies, perhaps not numerous, which avow "that as abolitionists they could not execute the pro-slavery commands of the constitution, and as honest men they could not swear to maintain them with the deliberate purpose of breaking their oaths: and what they might not do themselves they clearly could not appoint others by their votes to do for them. The only political action that lay open to them was to labor outside of the constitution, and not within it, for its overthrow, to convince the people that their form of government was the greatest enemy of their safety, their prosperity and

honor." There are, then, public enemies, associated and banded together to destroy the government under which they live, and who take advantage of every incident to accomplish their parricidal purpose. They obstruct the execution of the law. Besides this class, there is a large class of clergymen and church members who teach and believe that it is their moral and religious duty to abstain from any participation in the execution of this law. It is impossible to deny the existence of a strong religious sentiment, if you please, a fanatical sentiment, on the subject. I have experienced the difficulty of executing laws that the moral sentiment of the community sanctions, when obstructed by combinations. I fully understand the difficulty that beset the most efficient executive, or the most incorrupt judge, in the effort to administer this law. The United States do not deny their duty to execute this constitutional obligation.

The Fugitive Slave Act was proposed under the counsel of Southern Representatives. The courts of the Union have sustained it. But the South complains that the Northern States have passed acts for the obstruction of this law; that the local governments sustain their people in the offense of disobedience and encourage them to withstand the Federal Administration. And this, I believe, is a well founded charge. The Abolitionists have instituted this legislation. They point with exultation to their influence in defeating the claims of the master. They say, "The tide which has been flowing for so many years, but especially since the inception of the anti-slavery enterprise from the South to the North, has continued to pour in a swelling flood in spite of the increased vigilance and angry care of the slave master.....When one slave made a successful escape twenty years ago, probably fifty make good their flight now." The Federal government having failed of its obligations, and the States in their duty, the States whose citizens have sustained an injury may demand redress on their behalf. It creates a case for compensation and indemnity under the International Law. That principle has been applied to similar default on part of Great Britain. In the number of instances that government has paid for slaves that were wrongfully withdrawn by her authorities from the masters or lost under a change of her laws, to the injured citizens of the United States, upon the complaint of the Federal government. This form of redress, in my opinion, is better than an increase to the police force of the United States for the recapture of fugitives, or permitting this vexed and disturbing question to remain open, to destroy what remains of harmony or peace in the land.

It is due to the supreme courts of Massachusetts and Ohio, to say, that they have maintained the supremacy of the Federal laws against their State laws, and the judgment of the supreme court of Wisconsin of a contrary aspect, has been annulled by the supreme court of the United States, and the sentence of the district court of the United States, in accordance with that act, enforced.

I do not consider that the case of the fugitive slave act, affords an adequate cause to justify at this stage, a disunion of the States. The Federal government has, in good faith, attempted to perform its duty and is able to make full compensation for its failures.

I propose now to consider another part of this subject, that presents more difficulty. In your speech you say—"that in view of the principles, declarations, and platforms of the Republican party, the avowal of their candidate the 'irrepressible conflict' had commenced, and would go on until slavery was abolished, and the farther fact that in the face of the declarations of the South that she would not submit to the election of a sectional abolition candidate, that the time had arrived for action on the part of the Southern States." This presents with sufficient distinctness the additional grounds of complaint to be considered. My library furnishes some three or four distinct statements of the thought embraced in the phrase, "irrepressible conflict," and my memory retains one or two more. In the year 1850,

I prepared two essays on the nature and results of the anti-slavery agitation, one of which was published in the *Southern Quarterly Review*, for January, 1851, and both were circulated by Southern rights associations. Their object was to show the nature and extent of the conflict in the United States on this subject. The testimony adduced, proved that divisions arising out of diversity of view upon the subject of slavery appeared, in preparing the Declaration of Independence, the Articles of Confederation, the Federal constitution, in the debates on the treaty for the acquisition of Louisiana, in the proceedings of the Hartford Convention, upon the admission of Missouri, the right of petition, the annexation of Texas, the organization of Oregon, and the measures connected with the disposal of the acquisitions of Mexico, and the fugitive slave acts.

That societies in the Northern States had been organized to effect the entire abolition of slavery in the United States, and that their plan was to excite, arouse and agitate the public mind, especially by means of the debates in Congress. That they exercise over politicians, public officers, ministers of the gospel and citizens, a censorship of the most stern and rigorous character. A kind word to the slave holder was reproved, and insults and outrages upon him were commended. My conclusion was, "There is an irrespressible tendency, in every community to arrange its material interests around a uniform, consistent and harmonious system of moral, social, and political dogmas. It is this harmony which creates and constitutes a community. All the classes which compose a civilized society, especially where there are no legal or social barriers to hinder it, continually tends to the same standard of intelligence, and to submit to the rule of the same opinion. The decomposition or disturbance of this body of opinion and doctrine, is the parent of anarchy and confusion, and lead to revolution. The moral war upon us as we are justified in terming it was an inevitable fact to occur in our history. The question was only one of time."

I have never attached the same importance to this expression of Mr. Lincoln's or Gov. Seward's that many others seem to have done; for the remark is, to some extent, if not in the absolute manner in which they see it, true. This conflict of feeling does exist, and the misfortune is that many seek to aggravate and intensify the operations of the causes that produce it.

But the question for wise men South to consider is, not what these politicians think of the nature or operations of existing causes of conflict, but to determine what their own course of conduct and that of our people should be in respect to them. I think now, as I said in 1850, "the inquiries for the Southern States cannot be reduced to questions of wounded sensibility, contumacious treatment, national indignities, or injuries; they go to the foundation of our institutions and involve the existence of our social fabric." The subjects of inquiry were these: "Can the institution of slavery be maintained, or parted with in safety to the communities in which it is tolerated under the existing union, and the present condition of public sentiment, by any, and what modifications of the Federal constitution?—Or would it be better for those Southern States most interested, under a new constitution and a different confederation, to seek their safety and happiness." The conditions have not altered in such a degree as to change the paramount importance of these inquiries. My advice then was and it now is, for the Southern people to take counsel together, in a calm, deliberate, impartial and honest inquiry concerning these mighty issues. There ought to be no party divisions, sectional or local prejudices, personal competitions or antipathies, confused with the inquiry. It involves all that we have. The community should arouse itself to its highest degree of magnanimity, and come with this spirit to make up their judgment. I have no sympathy with those who would precipitate ours, or any other State, into consequences that cannot fail, under any circumstances, to pro-

duce disaster and distress. I have no desire to force reluctant or unwilling States to link their destinies with ours, as a desperate choice between opposing dangers.

Least of all, have I any respect for the counsel that disparages or would disregard Virginia. Virginia is entitled to a place in any council that is charged to decide upon what befits the rights, interests and honor of the South. Her principles have contributed to their security and peace. Her counsels have been those of justice and conciliation. Her conduct has uniformly evinced magnanimity and honor. That Southern Confederacy that is formed without her will lose a great deal of that moral power and historic renown that command respect and win confidence. To a council of Southern Statesmen, chosen in all or most of the slave States, I would submit the duty of preparing the measures requisite to repress and settle the conflict that has been productive of so much disorder and discontent in our country.

I close this letter in stating that I have endeavored to show—

First, That the election of Mr. Lincoln does not afford sufficient ground for the dissolution of the Union.

Second, That the great subject of disturbance—that of slavery in the Territories—rests upon a satisfactory foundation, and that we have nothing to ask except that the "status quo" be respected.

Third, That the subject of the rendition of fugitive slaves can be adjusted to the satisfaction of the injured property-holders, and without dishonor to ourselves.

Fourth, That in relation to the maintenance of the rights we have, or those that have been defeated or impaired, and in whatever concerns the subjects of contumely and insult we complain of, there may be a sufficient cause for increased vigilance, for preparation, for alliance among the Southern States, for the demand of new guarantees, but not for disunion, until there is a refusal of redress. In my opinion, separate State action will result in the discredit and defeat of every measure for reparation or security.

I have thus stated my opinion at large. I need not state to you that my connection with the Federal government has continued till this time, rather in deference to the inclination of others, and upon public considerations, than from any desire on my part, to hold my office.

My commission will not be effected by the action of the State. But I determined many years ago, that my obligation was to follow the fortunes of her people. I shall terminate my connection with the Government, as a consequence of her acts.

Yours truly,

JOHN A. CAMPBELL.

To Daniel Chandler, Esq., Mobile.

VII. ANTE-BELLUM SOUTHERN COMMERCIAL CONVENTIONS.

By William Watson Davis, Oak Grove, Ala.

In our national history, the Civil War is the most vital of past events. It was the culmination of a struggle lasting forty years. The compromise of 1820, the controversy about nullification, the compromise of 1850, the Kansas-Nebraska bill, the Dred Scott decision, the formation of sectional parties, burning eloquence and fierce invective mark the course of one phase of the struggle —the political. The maelstrom of the sixties ended it.

At the South, there was another phase of the struggle. It might be termed the economic. Its aim was not the control of territory, nor was its purpose political, but the making of the South economically independent of the North. Its opponent was not the Northern populace, but Southern industrial and commercial conditions.

The index of this movement is a number of commercial conventions, beginning in the latter part of the thirties and ending with the outbreak of the war. These conventions held very much the same relation to the body economic that the great political conventions of the day did to the body politic. A study of them—fourteen in all and extending over twenty-two years—shows in the main four things: first, the actual industrial, commercial, and financial condition of the South as illustrated by statistics; second, the general attitude toward the North at successive periods during the twenty odd years preceding the war of a large and prominent class of Southern men of affairs who were not distinctly politicians; third, the existence in the South then of national ideas even now considered far advanced; fourth, and probably most important, the rise and development of the movement for Southern commercial independence.

Before this movement can be followed, the South's economic condition at home and its commercial relations abroad must be generally understood.

From early times in the history of the English colonies in America, those south of Pennsylvania,—Virginia, the Carolinas, Maryland, and Georgia,—were the agricultural section, and up to 1770 led in aggregate commerce, according to the census of 1850. The imports of the two sections—the northern colonies and the southern—were about the same with some difference in favor of the North. The exports, however, were greatly in favor of the southern colonies. The following table shows the condition during the colonial period.[1]

Year.	Northern Colonies. New England, New York, New Jersey, and Pennsylvania.		Southern Colonies. Maryland, Virginia, Carolinas, and Georgia.		Aggregate. North.	Aggregate. South.
	Exports.	*Imports.*	*Exports.*	*Imports.*		
1700	$318,000	$795,000	$1,656,000	$922,000	$1,297,000	$2,578,000
1710	203,000	737,000	1,045,000	736,000	1,040,000	1,781,000
1720	369,000	953,000	1,971,000	644,000	1,322,000	2,615,000
1730	369,500	1,605,000	2,492,000	1,077,000	1,974,000	3,569,000
1740	544,000	1,733,000	3,037,000	2,306,000	2,277,000	3,433,000
1750	561,000	4,160,000	3,512,000	2,427,000	4,721,000	5,939,000
1760	408,000	8,938,000	3,379,000	4,120,000	9,346,000	7,517,000
1770	1,230,000	5,026,000	3,847,000	4,601,000	6,256,000	8,448,000

After the Revolution, when the colonies had become States, commerce, both exports and imports, steadily shifted in favor of the North. The fields of the South rapidly spread and with proportional rapidity did the merchant fleets of the Northern States increase.[2] Both the climate and the soil of the South favored the raising of staple crops, and so did her system of labor. The less fertile soil of the North with its more rigorous climate prevented the culture of great staple crops. Accordingly, from perfectly natural causes, the South continued agricultural and the North, manufacturing and commercial.[3]

Commerce and manufactures exert a centralizing influence. They develop cities, centers of trade. Agriculture exerts a decentralizing influence. It tends to scatter population. Thus, at

[1] *Compendium* of the U. S. Census, 1850, p. 184.

[2] *Compendium* of the U. S. Census, 1850, p. 186.

[3] "Progress of American Commerce," in De Bow's *Review*, December, 1846.

the North we find the rise of such cities as New York, Boston, and Philadelphia.[4] They were but the exponents of the economic life of their section. At the South, as the fields of cotton and corn expanded, the Southern cities languished. The levying of a tariff increased the industrial ascendency of the North and hampered the development of the South.[5] Under its protecting influence manufactures increased and flourished and nourished the emporiums of trade and finance,—New York, Boston, and Philadelphia. The great market for the agricultural products of the South was Europe—England especially. To this market the planters shipped their cotton through Northern brokers and largely in Northern ships. That which did not cross the ocean went to the manufactories of the Northern States. When these ships which carried abroad the results of Southern agriculture returned to America they were freighted with foreign articles of merchandise.[6] It was but the natural law of exchange in trade. On return, where would this foreign merchandise be landed? Would the importers seek the small town in the midst of a scattered and rural population, or great cities in the midst of a much denser population? Again by the natural laws of trade, imports into the United States sought Northern ports. At these ports operated the numerous middle men and accessories incident to an extended foreign trade,—namely, the importer, the jobber, the insurance man, the banker, and the shipper. Through these ports came to the South the return trade from Southern products sent abroad. Here yearly the Southern merchant went, bought his stock on credit (generally) and reshipped it South. The Northern importer advanced to the Southern merchant just as to-day the city merchant in the South advances to the planter. The profits of handling the bulk of the material wealth of the South and the return trade which it brought accrued to the North. Shippers' charges, importers' profits, insurance, municipal taxes on imported merchandise, similar State taxes, wharfage, and charges

[4] "Growth of New York," by Kettell, in De Bow's *Review*, January, 1848.

[5] "Progress of American Commerce," in De Bow's *Review*, December, 1846.

[6] "Reports to Charleston Convention of 1839," by George McDuffie, Robt. Y. Hayne, and F. Elmore, in *The Industrial Resources of the South and West*, vol. iii, pp. 92-116.

for re-shipment went to Northern men.[7] The banks of this section financed the trade. The South produced while the North manipulated her productions. Each year the North was getting firmer control of Southern resources, when in the latter part of the thirties the movement for Southern commercial independence began.

This then was the economic situation which a large number of Southern men wished to correct. Their intentions at last crystallized into a commercial convention that met at Augusta, Ga., in the fall of 1837.[8] It was the first of fourteen conventions extending down to 1859. Judged by the resolutions passed and the general tone of the proceedings, three of these meetings cannot be counted in the number of those whose avowed aim was Southern commercial and industrial independence. The conventions alluded to met in 1845, 1849, and 1852.[9] Yet a study of their objects plainly shows that if they were carried out, the South would certainly be the greatest gainer, and in a way too that would tend toward economic independence of the North. Also, these conventions, though each separated from the other by several years, form a connecting link between the compact groups of 1837-1839 and 1853-1859. They unquestionably stand for the trend of Southern economic thought during this gap of fourteen years. While they were not meetings expressly for Southern supremacy, they can hardly be logically omitted in an account of that movement.

We have then, three disconnected series of conventions,—those of 1837-1839, four in number; those of 1845-52, three in number; those of 1853-59, seven in number. The first and third series were strictly Southern commercial independence conventions, each meeting being an adjournment of the one preceding. The second series was made up of disconnected meetings, and stands for the great manifestations of the South's part in the mighty movement for railroads and internal development.

To what primal cause, or causes, must we look for the origin of these conventions? No definite answer is apparent. All

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[7] Address of the Augusta conventtion (1838) to the people of the South, in De Bow's *Review*, November, 1852, p. 477.

[8] *Georgia Messenger*, Macon, October. 26, 1837.

[9] Reports of the proceedings of these will be found in De Bow's *Review*.

things indicate that they were simply a natural outgrowth of the economic conditions of that time.

As the conventions aimed at eradicating the financial and commercial disparity between the North and the South, and as evidence indicates that a knowledge of this condition of affairs was possessed by Southern men some years before the first meeting was called, the birth of the idea of commercial independence no doubt occurred when the disparity first began to make itself felt. In the year 1816 was first levied a tariff definitely for the protection of manufactures. These the War of 1812 had forced into existence, almost exclusively in the North. The levying of this tariff marks the formal beginning of a system which favored manufactures, and which was disadvantageous to extended agriculture, and hence to the South.[10] As the North surged forward and the South dropped behind, the situation grew clearer to Southern men, and the necessity for some action was obvious. In the latter half of the thirties—1835-1840—came the formal advent of the movement. In 1835 there is a brief notice of a convention of merchants at Knoxville, in which was discussed the commercial condition of the South.[11] About the same time appear notices of other meetings of a local character. The idea of Southern commercial independence had crystallized far enough by 1836 to form points of consultation here and there throughout the South. The following year, on October 16, 1837, a number of these points or groups came together in the first Southern commercial convention.

Six months previous had come the financial crisis of 1837. The banking system of the country was thrown into confusion and shaken to its very foundation. This appears to have been the occasion for the meeting. Wrote John C. Calhoun on Sept. 7, five weeks before the convention opened:[12]

"Van Buren has been forced by his situation and his terror of Jackson to play directly into our hands and I am determined that he shall not escape from us. We have now a fair opportunity to

[10] Reports of McDuffie, Hayne and Elmore to the convention of 1839.

[11] *Georgia Messenger,* 1836 and 1837.

[12] Letter of John C. Calhoun to James E. Calhoun, Sept. 7, 1837, in the "Correspondence of John C. Calhoun," Dr. J. F. Jameson, editor, in *Report* of the American Historical Association, 1899, vol. ii.

break the last of our commercial shackels. I mean the control which the North through the use of Government credit acting through the banks has exercised over our industry and commerce. How wonderful that the author of the Safety Fund System and the favorite of New York (the state above all others the most benefited by the union of bank and state) should be forced by circumstances, which he could not control, to give the fatal death blow to his own offspring and supporters!——In the meantime, it is of vast importance that the meeting in Augusta should be fully attended. Now is the time. Abbeville must send her delegates. You and McDuffie ought to be two of them. Let a meeting be called at the Court House and the nominations be made."

In the resolutions of the convention of the year following occurs this clause, which evidently refers to the panic of 1837 as the creator of favorable conditions for united Southern action, and logically an occasion for the first meeting:[13]

"That the present condition of the commercial relations of this country and the disruption of the existing channels of trade afford an opportunity of breaking down the trammels which have so long fettered our commerce and of restoring the South to its natural advantages."

The Augusta convention opened on Oct. 18, 1837.[14] Two States were represented: South Carolina by thirteen delegates, and Georgia by sixty-five. The Hon. Kerr Boyce, of Charleston, was chosen president. Compared with the great meetings which come after, with a dozen States represented by several hundred delegates, this convention was not a large affair. Yet it is of signal importance. It was the beginning of an all-Southern movement, of which the Civil War was the end. The resolutions passed were as follows:

1. "That in the opinion of this convention the present conjuncture of our commercial affairs is eminently propitious for the establishment of a system of direct importations through our southern and southwestern cities, and that we are called upon by every consideration of interest and of patriotism to throw off the degrading shackles of our commercial dependence.

2. "That with a view to induce public spirited capitalists to

[13] *Georgia Messenger*, Apr. 12, 1838.

[14] *Georgia Messenger*, Oct. 26, 1837.

embark in this business, the people of the staple growing states be recommended to give public manifestations of their determination to encourage and sustain importations through their own seaports.

3. "That two committees be appointed by the President of this Convention to memorialize respectively the Legislatures of Georgia and South Carolina on the subject of limited co-partnerships.

4. "That is is the sacred duty which the citizens of the Southern and Southwestern States owe to themselves, their posterity, and their country to give a decided preference when the terms are equal, in securing their supplies, to our merchants who carry on a direct trade with foreign countries.

5. "That a committee be appointed to prepare an address to the people of the Southern and Southwestern States setting forth the advantages and practicability of carrying on a direct trade with foreign nations—exhibiting in detail the extent of their resources.

6. "That said committee in preparing such address, embody and conform to the views of the convention as expressed in the preamble and resolutions just adopted.

7. "That this Convention recommend to the citizens of the Southern and Southwestern states, to appoint delegates to meet in convention at Augusta on the first Monday of April next (1838) to continue the interest and objects of this Convention before the people."[15]

If this convention be taken as a true evidence of the progress in the ideas of Southern commercial independence, and if the resolutions passed by it be taken as a fair statement of the convention's opinion, then a consideration of these resolutions is important. They may be said to stand for the opinion of the commercial element at the South—the first milestone in the movement.

"The degrading shackles of our commercial dependence" is a significant expression in the first resolution as to how the economic relations of the North and South were then regarded. It seems safe to say, therefore, that the dependence of the South upon the North was at this time, 1837, realized by a considerable class of Southern men of affairs.

Five of the six resolutions passed dealt with the great object

[15] *Georgia Messenger,* Oct. 26, 1837.

of the meeting, direct trade with Europe.[16] In analyzing these resolutions we find that two leading measures are advanced: the increase in the capital invested in Southern shipping, and the showing of preference to Southern importers and merchants "when the terms are equal." To aid in bringing about the first, an increase in capital, effort was made to induce the legislatures of Georgia and South Carolina to make legal "limited co-partnerships." This meant to make those connected with any company liable only to the amount of the money which they had invested. This was done to induce the conservative Southern capitalist to invest a portion of his surplus in shipping. The establishment of Southern direct trade would be an innovation which would be forced to fight its way to a safe basis. Many failures in the first attempts would be probable. Consequently, the Southern capitalist feared to back the undertaking because—to use a slang term—"he could not see the bottom." Now a limited co-partnership would put the bottom in sight. This measure was the only specifically practical thing done or advocated by the convention, except the calling of another convention to meet in Augusta on the first Monday of April, 1838.

At the appointed time, April 1, 1838, the second Southern commercial convention opened.[17] Six States—Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia—were represented. Thomas Butler King, of Georgia, was chosen president. Robert Y. Hayne, of South Carolina, was chairman of the Business Committee of Twenty-one.

In every way this was a bigger, broader, and more well-rounded meeting than the one of the year previous. The area of representation comprised six instead of two States, and the resolutions passed embraced a much wider field. The first two put forth plainly the commercial situation of the South and give the reason for it. Because of this they are worthy of examination.

1. "That a direct trade is the natural channel or communication between nations which offer to each other the best market for their natural productions and that the interventions of a

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[16] *See* a series of publications and articles on Southern direct trade with Europe, edited by J. D. B. De Bow, in De Bow's *Review*, Oct., Nov. and Dec., 1847.

[17] Proceedings, in *Georgia Messenger*, April 12, 1838.

third party must operate as a tax upon the exchanges between them.

2. "That the Southern and Southwestern states of this Union offer those staples with which are purchased nearly the whole foreign imports of this country, that they are the consumers of a large portion of these imports, and ought naturally themselves to furnish the channel through which the exchange is made; that on no occasion have their citizens been found incapable of maintaining themselves in fair competition with other sections; and that the diversion of the trade from its natural channels must have been brought about by the unequal action of the Federal Government or by the abstraction of our people in other pursuits."[18]

In the third resolution appears the extract explanatory of the reason for the origin of the convention movement, already quoted. This is the only official utterance on the subject made by any of these conventions.

In the second of the resolutions, just quoted in full, is seen the alleged reason for the dependence of the South—"the unequal action of the Federal government or the abstraction of our people toward other pursuits."

So much for the general sentiments of the meeting. Of more importance were the specific measures proposed. These fall under five heads:

1. Those dealing with the financial facilities in the South.

2. Those dealing with the increase of capital in Southern commerce.

3. Those dealing with establishing at Southern seaports agencies for manufactures, foreign and domestic.

4. Those dealing with the better organization of the movement for Southern commercial independence.

5. Those dealing with the building of railroads in the South.

As regards the resolutions relative to financial facilities, the great end and object in view was the establishment in the South of as serviceable and as extended a system of banking as that in the North. This was to be accomplished by the following measures. Southern banks should devote a portion of their capital to the purchase of foreign exchange and to the procurement of credit

[18] *Georgia Messenger*, April 12, 1838.

and funds in Europe. The use of this credit should be furnished to the importing merchant upon a discount or collateral pledge of such good paper as he might take from the merchant of the interior, and this accommodation should be afforded as well upon paper having more than six months to run as upon that having less. The banks of the interior and the seacoast should co-operate with each other in carrying on business, should receive bills of each other in general business, and should adopt such arrangements for settlements, at short periods, as might seem suitable. The resolutions went into detail as to just how this business could be best regulated. Taken as a whole and in a general sense the entire question of banking reform meant three things: the forming of connections abroad, the organization of facilities at home, and the identification of the Southern merchant with banking houses and the up-to-date credit system.[19]

It would be impossible to bring about a change of Southern commercial methods without capital. Therefore, an earnest appeal was made to Southern capitalists, most of whom were planters, for the investment of money in Southern commerce under the protection of laws of limited co-partnerships, "lately passed"[20] by the States of Georgia, South Carolina, Alabama, Florida, Tennessee, and Virginia. The main endeavor of the convention of the year before had not only been realized in Georgia and South Carolina, but in four other Southern States. This passing of limited co-partnership laws in so many States at almost the same time is evidence that the legislatures of the South were in sympathy with the movement.

A very practical, and in a sense modern, idea was set forth by this convention. It was the proposal to establish agencies for foreign and domestic manufactures in the different Southern centers of trade. This is a fixture in the modern industrial world. It would have meant much for the South if it had been established, which evidence seems to indicate was not the case.

The fourth point mentioned embraced a considerable part of the convention's action. Three ways were urged for the better organization of the movement. They recall accounts of the

[19] Synopsis made from resolutions printed in *Georgia Messenger,* April 12, 1838.

[20] *Ibid.*

struggle of the Colonies, Northern and Southern, against the common foe, England. The first way was an address to the people of the South and West, stating the object to be attained and asking co-operation. The second called for another convention to meet in Augusta on the third Monday of October, 1838, and provided for the appointment of a "Committee of Correspondence," whose duty it should be—"to take the proper measures to enlist the feelings of the people and secure a cordial co-operation on the part of the States interested in the object of this convention." The third recommendation to the members of the convention to assemble the citizens of their county or district and place before them the proceedings of the convention urging the vital expediency of carrying out its objects, "particularly by forming limited co-partnerships.[21]

The meeting adjourned after a highly successful session, and at the appointed time, Oct. 15, 1838, opened again at Augusta, Georgia.[22] One hundred and forty delegates were there from six States,—Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee. Virginia and North Carolina, represented in the previous convention, were not here. The presence of two new States showed that the movement was spreading and that the seaport States were not the only ones interested.

Col. James Gadsden, of Florida, was chosen president. Many well known Southern men were present, among whom were Col. A. J. Pickett, of Alabama; Messrs. George McDuffie and Robert Y. Hayne, of South Carolina.

The resolutions passed were repetitions of those passed by the spring convention, with the exception of two. Those dealing with specific matters were much more general in tone. In fact, the whole set of resolutions possessed this quality. The following are the topics treated in the seven passed:

1. The formation of trading associations by the members of the convention.

2. The connection of the Middle West with the Southern seaboard by canal and railroad.

3. Harmony and co-operation in all works of internal improvement.

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[21] *Georgia Messenger,* April 12, 1838.

[22] Proceedings of the convention, in *Georgia Messenger,* October, 1838.

4. The extending of every legitimate aid by Southern banks to the incipient works of internal improvement.

5. The recommending to Southern legislatures of an inquiry concerning the amount of banking capital in the South.

6. The formation of direct connection by Southern banks with like European institutions.

7. The adjournment of the convention to meet in Charleston, S. C., on the third Monday of April, 1839.

It is seen that practically the only things new are the calls for harmony in internal improvement, and for legislative investigation of the amount of banking capital in the South. The first is nothing but a plea with a practical object in view. The present-day co-operation and "community of interest" policy of our railroads is somewhat an attainment of that object through natural processes of economic development.

As regards legislative investigation of Southern banking capital, which called on the legislature to find means of supplying the deficit if necessary, it is difficult to say just how practical it was. It certainly has the appearance of an artificial means for inducing commercial prosperity. How could the legislatures supply lacking capital except by the indirect method of passing laws favoring Southern trade and finance, and what laws in the end would be really favorable?

All measures but one advocated by the convention passed with little debate. That one was the fourth resolution dealing with the extension of aid by Southern banks to works of internal improvement. The resolution first read "to invest surplus capital in railroad companies," but after a lengthy and warm debate was changed to "works of internal improvement." The conservative element of the convention did not wish it to commit itself definitely to any one feature of internal improvement or commercial enterprise. "Railroads" then was a much more restricted term than now.

Through the entire proceedings of this third Augusta convention was exhibited a spirit of disinteredness which paved the way for the great meeting of the following year at Charleston. Here on the 15th of April, 1839, assembled two hundred and nineteen delegates from six Southern States,—Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. The eyes of

the South were on the convention. Reports of its proceedings appeared in the leading Southern papers. In less than two years' time the movement beginning at Augusta had grown to pretentious proportions. Asbury Hull, of Georgia, was president.[23]

The scope of action here was broader than in the preceding conventions. The chief thing striven for by the meeting was direct trade with Europe. It proposed a less artificial series of measures than had heretofore been the case. It called on Southern capitalists to invest more liberally in Southern commerce; upon Southern planters to put part of their surplus not in new land and slaves but in commerce from Southern ports; upon Southern banks to loan all aid compatible with "safety" to those engaged in commerce, and to extend their credit; upon Southern leaders in finance and trade to invite foreign capital by special agents sent abroad; upon Southern merchants to co-operate with European merchants in establishing regular lines between the South and Europe; upon Southern legislatures and people for extended internal improvement to aid direct trade; upon the South generally to make provision for the commercial education of its youth; upon the literary spirit of the South to support a "Southern Review;" upon Southern legislatures and cities to exempt imported goods from tax till sold; upon Southern legislatures to exempt commercial capital from all tax except on interest and profits.[24]

To carry out the measures of the convention, a committee of five citizens in each State represented was appointed.

On the 17th of April, after a three days session, the meeting adjourned *sine die*, and for six years the ideas it gave forth regarding the economic needs of the South and the measures advocated were allowed to germinate without the aid of a Southern commercial convention. Therefore, with its close, the first period of the movement for Southern commercial independence ends.[25]

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[23] Proceedings in *Alabama Journal*, Montgomery, April 24, 1839.

[24] A synopsis of resolutions passed, made from resolutions printed in *Alabama Journal*, April 24, 1839.

[25] So far, no definite reason has been found for this discontinuance of the movement. Says a writer in De Bow's *Industrial Resources of the South and West*, in alluding to these conventions:

....."We turned over their pages with great interest and mar-

The resolutions of the Charleston convention sought to promote direct trade in three ways: first, by lessening the cost of getting the agricultural products of the South to the seaboard; secondly, by increasing the amount of capital invested in Southern commerce in order to provide adequate shipping facilities for the actual carriage of Southern produce abroad, and also to create ample financial facilities at Southern ports for handling the trade; thirdly by decreasing the cost of importing.

These were certainly business propositions. They aimed at the restoration of Southern trade by the only method possible under normal conditions, that is, by making the cost of direct importing and exporting at the South less than at the North. How far they were carried into effect is not known. Statistics certainly show no increase in Southern shipping during the several years immediately following this convention. These figures show the combined imports and exports.[26]

	North.	*South.*
1840, ...	$136,692,000	$93,483,000
1841, ...	156,155,000	86,854,000
1842, ...	122,405,000	73,687,000
1843, ...	70,854,000	57,508,000
1844, ...	137,987,000	74,084,000

It is doubtful if any mere set of financial measures could have brought the desired result. A realization of the convention's objects meant the partial revolutionizing of the South's economic life. It meant for an agricultural people with a peculiar social institution to become in large part commercial. It was too great a task for any mere series of meetings to accomplish alone. Such changes could only come from natural causes by the slow process of time. The aim of the methods proposed by the Charleston convention was based on natural laws of trade but the method of bringing this about was artificial rather than natural. It appealed to the people and did not force them.

Six years after the Charleston convention, a certain Captain

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velled that a movement begun in such a spirit and prosecuted for a time with so much vigor, could have at last been suffered to die away, and pass, as it were, from the memory."

[26] *Compendium* of U. S. Census, 1850, p. 186.

Bingham arrived in Memphis to advocate the building of a plank road to the Indian frontier. A committee of citizens of Memphis met to discuss the question. One of the committee, a Dr. Shanks, suggested a convention for July, which met. From the haste in which it was gotten up, it proved a very small affair. After, therefore, calling a convention to meet in November of the same year, it adjourned.[27]

At the appointed time the great Memphis convention of 1845 opened. Five hundred and twenty-nine delegates assembled from twelve different States and one Territory: Alabama, Arkansas, Illinois, Indiana, Iowa (Ter.), Kentucky, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee and Texas. Over this assemblage, John C. Calhoun was chosen to preside. Here we find Northern men and Southern men coming together in common council to discuss the interests of the two sections, the West and the South. Nearer than any other Southern convention which preceded or followed did this one approach being national in character.[28]

The theme exclusively was internal improvement, especially relative to transportation facilities.[29]. It sought to bring the West in closer touch with the South, and to bring the different ports of the South in closer touch with one another. All measures passed dealt with improvement at home and in no instance avowedly stood for competition with the Eastern States. The convention at Charleston six years before advocated battling with the East for commercial supremacy; the convention at Memphis, the expenditure of national funds for the internal development of the South and West. Yet the ultimate object of each was the control of the market for Southern and Western agricultural produce. Mr. Calhoun in his opening address touched on this point.

"The South and Southwest were to him deeply interesting portions of the Union and whatever would tend to elevate them would meet with his hearty co-operation. These were the great agricultural divisions, whether terminating on the South Atlantic, on the the extended Gulf, or running backward of the

[27] De Bow's *Review*, January, 1846.

[28] Proceedings of convention, in De Bow's *Review*, January, 1846; *also* De Bow's *Review* for September, 1846, p. 84, and for September, 1847, p. 122.

[29] Resolutions, De Bow's *Review*, June, 1846, p. 18.

Allegheny Mountains and reaching to the Lakes. In these sections, the two things next to production, were the distribution of their wealth in the proper markets and a command of those markets."[30]

The action taken by this convention was contained in seventeen resolutions. The subjects dealt with fall under eight heads: The improvement of the Ohio and Mississippi rivers; the connecting by canal of the upper Mississippi and lakes; the building of a railroad from the Mississippi valley to the South Atlantic ports; the improvement of the mail service in the South and West; the improvement by the national government of the South Atlantic, Gulf and Lake ports; the establishment in the South and West of national works and institutions (shipyards, drydocks, armories, foundries and marine hospitals); the building of levees along the Mississippi river by national appropriations; and the construction of a military road through Arkansas to the Indian frontier.

A committee of five was appointed to memorialize Congress on the resolutions passed, and a similar committee to prepare an address to the people of the South and West.

A salient characteristic of those resolutions is that every one called on the national government to do or to pay for the work, entirely or in part. Thus in regard to the building of a Pacific railroad, they said:

"*Resolved*, that as many of the works pass through the public domain, this convention would respectfully urge upon the consideration of Congress the equity of granting the right of way and alternate sections in aid of the work so situated—such grant, in the opinion of this convention being no more than a fair compensation paid by the proprietor for the enhanced value imparted to the sections of the land retained by the government."[31]

In regard to the improvement of the Mississippi and Ohio rivers:

"*Resolved*, that the improvement and preservation of the navigation of those great rivers are objects as strictly national as any other preparation for the defense of the country, and that such

[30] Report of Mr. Calhoun's speech, in De Bow's *Review*, June, 1846, p. 14.
[31] Resolutions, in De Bow's *Review*, June, 1846, p. 18.

improvement is deemed by this convention impracticable by the states, or individual enterprise and call for the appropriation of money for same by general government."[32]

The position taken by Mr. Calhoun on this resolution and his constitutional interpretation in advocacy of it constitute the most noteworthy feature of the convention. Mr. Calhoun heretofore had stood prominently in the ranks of those opposed to internal improvements by the general government. Naturally when he accepted the presidency of an internal improvement convention, the eyes of the country turned more closely on him. To the surprise of friend and foe alike, he strongly advocated certain measures of internal improvement by the general government.[33] He declared the Mississippi to be in reality an inland sea; that the constitutional power which the general government possessed providing for the national defense and the regulation of commerce between the States, clearly gave it the power and required it to make safe and practicable the navigation of the Mississippi and Ohio rivers; that

"It was the genius of our government, and what was to him a beautiful feature, what individual enterprise could effect alone was left for individual enterprise; what a state and individuals could achieve together, was left to state and individuals; but what neither of these separately or conjointly were able to accomplish, that and that only was the province of the Federal government. He thought this was the case in reference to the Mississippi river. There was an indirect aid however which might be furnished by the Federal government to internal improvement schemes; as a land proprietor (a position which he hoped it would not long occupy) the Government in consideration of the improved value of its public domain might grant alternate sections of unoccupied land to the roads, etc., proposing to pass through it. * * * * In regard to the various railroad schemes in contemplation, he considered that which sought to connect the Southern seaboard with the Mississippi valley as most important in every particular. Commercially, it threw open markets

[32] *Ibid,* June, 1846, p. 18.

[33] "The effect was electrical. In many places it was stated that Mr. Calhoun had struck his flag and gone over to the side of internal improvement—though he disclaimed anything of the kind. In South Carolina so intense was the feeling and so evident the fear of defection, that though reelected by the legislature then in session, to the senate Mr. Calhoun's course was much and strongly animadverted upon."—De Bow's *Review,* September, 1846, p. 83.

to Western produce, at all times and seasons, and furnished two outlets, where but one had existed before. The mouth of the Mississippi might be blocked and the Gulf swept by foreign cruisers and the vast produce of the valley would not be left to perish but could seek its eastward passage in safety to Atlantic ports—and when the canal of which he was much in favor, was constructed, its way to the lakes would be equally open for a large portion of the year."[34]

The convention of 1845 in spite of its large number of delegates and cosmopolitan character as regards locality of representation; in spite of the able views put forth and sustained by the great Southern leader and the efficient executive methods employed by the convention to carry out its resolutions; in spite of the entire good will and seeming absence of friction between members, Northern and Southern, and the carefully balanced measures passed, attempting to distribute fairly all benefits to be derived from the course of action it advocated; in spite of these and even other good features, it must be considered more a failure than a success.

New Orleans and Southern Louisiana were fatally offended by the Atlantic-Mississippi valley scheme. It was claimed that this was an attempt to divert their trade with the interior into other channels. As late as 1855 this rankled in the breast of New Orleans merchants and did not fail to find expression.[35]

The West also seems to have been alienated. The year following the Memphis convention, a similar but much larger meeting took place in Chicago.[36] Its delegates came from all the New England, Middle, and Western States, as well as from three Southern States. The aim of this meeting was internal improvement, but it based it on a much broader interpretation of the constitution than did Mr. Calhoun. Mr. Webster was the champion of this view and in a letter to the convention discussed the question at some length.[37] The result of the Chicago convention was

[34] Report of Mr. Calhoun's speech on his accepting the presidency of the convention, in De Bow's *Review*, January, 1846, p. 13.

[35] Speech of Judge Walken of New Orleans at convention of 1855—De Bow's *Review*, May, 1855; *also* New Orleans papers for that date.

[36] Report of proceedings at Chicago convention, in De Bow's *Review*, September, 1847, p. 123.

[37] De Bow's *Review*, September, 1847, p. 123.

to bring into closer commercial touch the East and the West. Says a leading journal of the time:

"The Memphis convention sought to conciliate all parties, and agree on some practical plan of action—a compromise if necessary—which could meet the general approval and hearty co-operation of all sections as the very best which under the circumstances could be secured. The Chicago, on the contrary, denounced this as impracticable and injurious and in no respect adequate to meet the requisition and necessities of the Northwest and Lakes. It comes out boldly, cuts the Gordian knot, and declares *openly for a system of internal improvement upon western lakes and rivers, co-extensive with all the requirements of their rapidly increasing commerce.*"[38]

Thus it is seen, that the action of the Memphis convention tended to alienate the West and strengthen its union with the East, as well as to create dissension at home. Its memorial to Congress was turned down and nothing material came of its resolutions. All in all, what it actually accomplished was insignificant, but what it showed was of importance. The South was not united. Western sentiments and Eastern sentiments were nearer coinciding than Western and Southern.

Four years later, November 1849, there met in this same city of Memphis another commercial convention, the second of the 1845-1852 group. It met at the call of the citizens of Memphis. Its official designation was "The national convention."[39] The name was indicative of its scope of action, yet its real purpose was sectional—the advancement of the South and West.

Like the convention of 1845, this one was isolated. It neither adjourned into another nor was itself the adjourned meeting of a previous one. However, similarity of subjects treated connect it with the conventions following.

Here was first discussed in a Southern commercial convention a proposition which became a leading topic of the next group. This was the building of a Pacific railroad.[40] The times were

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[38] De Bow's *Review*, September, 1847, p. 123.

[39] Proceedings and Resolutions, in De Bow's *Review*, November, 1849.

[40] Two generally informing articles on the subject are: "Inter-communication between the Atlantic and Pacific Oceans," by A. Whitney, in De Bow's *Review*, October, 1847; and "Inter-communication between the Atlantic and Pacific Oceans," by J. D. B. De Bow, in De Bow's *Review*, July, 1849.

propitious. California was ours. Gold had been discovered. Emigrants were rapidly filling the country. Its ports invited the trade of the Orient. North and South meetings were held to formulate plans for a road to the Pacific. The Memphis convention was but a part of a general movement to bring the Pacific coast in closer touch with the rest of the Union.

It proposed that this should be done in three ways: First, by a Pacific railroad; secondly, by transportation facilities, either canal or railroad, across the Isthmus of Tehuantepec; thirdly, by a military road along the Mexican frontier. Advocacy of these three measures constituted the real action of this convention. In a consideration of them two questions arise uppermost:

Were they practicable?

What effect would they have on the South?

As to the latter, it would tend to turn the trade of the Orient through the South. Former attempts at commercial supremacy aimed at wresting from the Northeast the control of European markets. This convention was not an avowed attempt at Southern commercial supremacy. The attainment of its objects meant the opening of a new and much greater market, the East, and the reins of power in the hands of the South at the start.

As to the former question, their practicability, the address of the convention to the people ably and conservatively discussed this.[41] A consideration of the Pacific road constituted the body of the address.

It is estimated that the construction of such a road meant that the European-Orient route would be shortened from 20,000 miles to 10,000, and the time for a passage, from 130 days to 35. Under such conditions, the $300,000,000 of Eastern trade could be carried in $30,000,000 worth of bottoms instead of $60,000,000. Estimating at 5 per cent. upon the value of ships discharged and time gained, a bonus of $5,000,000 would be given the world's commerce by the building of this Pacific road.

The question of freight and passengers was next taken up. At that time, the average freight rate in the United States was three cents per ton per mile. Twenty years before, it was six cents. If the rate continued to fall in equal proportion, within fifteen or

[41] Address, in De Bow's *Review*, March, 1850.

twenty years—about the time the Pacific railroad would be in operation, it would be one and one-half cents per ton per mile. With such a rate, this cross-continent route to the Orient could favorably compete in transportation charges with the ocean route to Europe. Says the address in conclusion:

"These facts and suggestions are presented for what they are worth. If freight and merchandise can be transported over the route at anything like the cost indicated by us, then the problem of Eastern trade is far less difficult of solution than might have been imagined. These costs can be demonstrated to be, all things considered, about the same as are at present incurred, including of course the freight from either terminus to Asia or to Europe. If on the contrary, the present average of freight must always be maintained, then the case against the railroad, so far as Europe is concerned, is too strong perhaps to be resisted.

"In regard to passengers, a different ground may be taken. The saving in time for them will be from 20 to 30 days. These passengers now pay from $600 to $900. This route will not exceed $250.

"A railroad is therefore presented to the people with a bonus, as previously explained of $5,000 000 per annum in its favor, with such carriage of freight and passengers as it is bound to monopolize, through an immense and growing region, with the whole trade of the Pacific coasts and Atlantic at its command, with a considerable profit of mail carriage and government stores and with a large part of our rapidly growing trade with India, and as much of that of Europe as can by competition be induced. * * * A final question remains to be decided: Is it within the reach of our enterprise? The highest amount which has yet been assumed for the road is $100,000,000. * * * But this is putting the case in the worst possible light. * * * The sum of $100,000,000, too, is based upon an estimate of 2,000 miles and an average cost of $50,000 per mile; whereas, upon the shortest projected route the distance may not exceed 1,500 miles, reducing the sum to $75,000,000. Fifty thousand dollars is double the average of roads and five times the minimum. The average would give upon the shortest line less than $40,000,000. This is the most favorable view possible."[42]

The route which the convention recommended, then known as the Southern route, extended from San Diego, Cal., through what is now New Mexico and Arizona to Paso del Norte, and from

[42] De Bow's *Review*, March, 1850.

there across Texas to the Mississippi. The funds for the building of the road were to come from the sale of government lands.

The resolutions on the Isthmian route considered it only a temporary measure and recommended to the national government to foster the enterprise by granting contracts for the carriage of government mail and military stores to the private company already organized for better Isthmian communication.[43]

The military road along the Mexican frontier meant simply the establishment of a chain of military posts. It was urged as a necessary preliminary to the construction of a railroad, and as a needed protection to the emigrant against the Indian.

The spirit of the Memphis convention of 1845 seemed to beget the one of 1849, and the spirit of the latter certainly had much to do with the origin of the railroad conventions at New Orleans during 1851-1852.[44] The great convention of 1852, although it adjourned *sine die*, seems from evidence so far gathered, the logical beginning of those conventions which occurred yearly thereafter till the outbreak of the Civil War.[45] A word as to its origin will therefore be not only of importance as regards this one meeting, but will be of use in explaining the beginning of the group which followed.

In the first place, the Memphis conventions of 1845 and 1849 roused the people of New Orleans and lower Louisiana to action. The connecting of the Mississippi valley with the Atlantic seaboard meant a probable deflection in the course of the enormous and ever growing trade of the Middle and Northwest. Self-preservation, the first law of nature, is a determining factor in trade.[46]

The first public intimation of a general Southern convention

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[43] *See* "The Tehuantepec Company," in De Bow's *Review*, August, 1853.

[44] "We hope yet to have such a convention in our city—Memphis and St. Louis having set the example.—De Bow's *Review*, June, 1851, p. 690; *also* De Bows's *Review*, December, 1851, p. 621.

[45] De Bow's *Review*, September, 1853, p. 254.

[46] "A great portion of the New Orleans trade had within the last five or six months gone off by way of Charleston and unless energy were displayed, the whole of the trade with the eastern and western valley of the Mississippi would go by that route."—Speech of Col. H. W. Walter at convention in New Orleans, 1851, in De Bow's *Review*, June, 1851. A discussion of the importance of the valley trade to New Orleans and other parts of the country is found in "Contests for the Trade of the Mississippi Valley," by Buckner H. Payne.—De Bow's *Review*, February, 1847.

was made in the early spring of 1851. A meeting of business men interested in the Memphis and New Orleans railroad was in progress in New Orleans. At this meeting Mr. J. D. B. De Bow of the city introduced a resolution which was unanimously adopted, calling for a general Southern and Southwestern convention in New Orleans at an early date, and recommended that the City Council take steps toward calling this meeting.[47] About the same time, a call went forth from the friends of the proposed New Orleans and Jackson railroad for a convention of those interested in the road to meet in New Orleans on the third Wednesday of April, 1851.[48] At the appointed time, April 16th, the convention met. Delegates from four States were present, but this meeting can hardly be considered a Southern commercial convention in the light in which we are viewing them. It met at the call of a private railroad company and all the proceedings dealt, not with Southern advancement generally but rather in guarding the New Orleans valley trade by a line of railroad paralleling the Mississippi.[49] At this convention Mr. De Bow introduced a resolution to the effect, that the convention resolve itself into a general Southern and Southwestern convention to meet in December next at New Orleans, but nothing came of the resolution.

Two months later, on June 4, another local railroad convention convened in New Orleans. Its purpose was to build a road from that city into the northwestern portion of the State. Its members were the wealthiest men of the section. The recent meetings of the Memphis and New Orleans and Jackson people most probably had an effect in bringing this about. Both the above lines would extend northeastwardly on the eastern side of the Mississippi. This meeting[50] was purely local in character and of no especial importance, except that it called the Southern railroad convention of January 5, 1852.

Eleven States were here represented—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Tennessee, Texas, and Virginia—and three hundred and seventy-four delegates were present, of whom three hundred and twenty

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[47] De Bow's *Review*, April, 1851, p. 465.

[48] De Bow's *Review*, April, 1851, p. 465.

[50] Proceedings of convention, in De Bow's *Review*, August, 1851.

came from Louisiana. Ex-Governor Alex. Mouton, of Louisiana, was chosen president.[51]

This convention met to be, and ended by being, strictly a railroad convention. Other measures—the improvement of rivers and the building of canals—were proposed, but voted down because "they would injure the object of the convention."[52] The scope of action at the meeting was broadly Southern, with New Orleans naturally in the foreground. The object striven for was *Connected railroad development.*[53] Three lines were especially advocated. A railroad to the Pacific, the Southwestern National Railroad to Washington City, and the Tehuantepec Isthmian Railroad. The delegation of each State represented submitted to the convention an outline of such necessary railroad extension in that State, as would tend to make the railway systems of each State connect with those in others.

Now the convention suggested three sources from which the necessary aid to carry on railroad construction might be secured, namely, the nation, the state, and the community. By the first it meant that the general government grant sections of the public land to the railroad companies. The exact method of State aid was not specified. It simply called for the "application of the resources" of the State. The third method, by community, was the most specifically dealt with of the three. The resolutions embodying it proposed that all the States represented make it lawful for cities, towns, parishes, or counties to take stock in any legitimate railroad enterprise, if a majority of the voters wished to do so; that the resources for the payment of such subscriptions be levied on landed property; that the dividends be divided among the land-holders in proportion to land taxes paid; and that the administration of the stock remains in the hands of the local authorities.[54]

The method of advocating these measures was an address to Congress and to the separate State legislatures. There was nothing new in the first two. As to the last, it seems a new idea

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[51] Proceedings of convention, in De Bow's *Review*, March, 1852.

[52] Proceedings, in De Bow's *Review*, March, 1852, p. 317.

[53] *See* Resolutions passed, in De Bow's *Review*, March, 1852.

[54] *See* Resolutions.

for a Southern convention. Certainly it would have aided the railroads.

The convention adjourned *sine die*. No doubt, if in any way its influence could be traced, not a small part of the South's rapid progress in the building of railroads during the years following would be found to be due to it. In December of the same year (1852), at the call of the citizens of Baltimore,[55] the first of the last series of Southern commercial conventions met. Possibly the example set by the great New Orleans meeting bore fruit "after its kind," and this fruit was the Baltimore convention. Wm. C. Dawson, of Georgia, was chosen president. Twelve States and a district were represented—Alabama, Georgia, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Maryland, North Carolina, South Carolina, Tennessee, Virginia, and the District of Columbia.[56]

Although the action of the convention dealt with several questions of importance to the South—touching its two great needs, internal improvement and direct trade—it was too closely identified with the interests of the city of Baltimore to have full weight throughout the South and West. It was claimed that Baltimore used the convention for her own ends,—as a means of advertisement and of strengthening her commercial reputation.[57]

The meeting's official action was included in nine resolutions. One extended thanks to the city for the courtesies shown the members of the convention, which left eight resolutions for the real measures. These include five spheres of action.

1. An increase of inter-communication between the cities and the States of the South, West and Southwest.

2. The improvement of harbors on the Atlantic coast.

3. The establishment of steamship lines between Baltimore and Europe and South America.

4. The necessity of the general government's fostering steamship communication between the South and the Amazon, and building up Southern shipping.

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[55] De Bow's *Review*, October, 1852, p. 426.

[56] Proceedings of the convention, in De Bow's *Reviews*, April, 1853.

[57] De Bow's *Review*, March, 1855, p. 354.

5. The importance to the South and West of the Baltimore and Ohio railroad.[58]

Every one of the resolutions, of which the above is a brief synopsis, exhibit pre-eminently one characteristic, generality of tone. They were little more than casual expressions of opinion. They tell what should be done, but offer no suggestions as to the method of procedure. The convention cannot be called one of action. Its resolutions could hardly have exerted great influence. Neither did they contain much that was new. However, here was first broached at a Southern meeting of this sort a question which became the leading theme of two conventions following,—the opening of trade relations between the South and the Amazon valley.

Judged in the light of what we know, the Baltimore convention does not rank among the more important Southern commercial conventions. Its measures lacked force and point—were weak. Yet it is of importance because it was the first convention of an important series, because it showed that Baltimore, and logically Maryland, stood prominently for Southern commercial advancement, and because it called that great convention at Memphis which met the next year. It was not the pioneer meeting of an entire movement, but of the last and most important phase of that movement.

After fifteen years of effort and often seeming failure, Southern commercial conventions had become established. They had passed the early, experimental stage. For seven consecutive years, 1852-1859, these meetings occurred regularly each year, in spite of the feverish political condition of the times and the section.

The remaining conventions are so intimately connected, so much alike in measures and methods of procedure, that a separate full discussion of each would mean much repetition. They can best be viewed as a composite whole, as regards their basic measures. This has reference of course only to the resolutions put forth and the discussions carried on. Each convention, like each day's proceedings, possessed certain fundamental characteristics, certain facts that belong only to it; and each, like every

[58] Synopsis of resolutions, made from those in De Bow's *Review*, September, 1853.

piece of music, had its theme. One measure, or a group, stood out more prominently than the others.

Therefore the history of this series, for clearness and brevity, will be divided into two parts: First, brief narratives of the several conventions; second, a consideration of their basic measures.

The Memphis convention of 1853 was an adjourned meeting of the Baltimore convention. It opened June 16th and continued in session till June 20th. Fourteen States were represented: Alabama, Arkansas, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, Missouri, South Carolina, Tennessee, Texas, and Virginia. Four hundred and ninety-six delegates were present. Wm. C. Dawson, of Georgia, again presided.[59]

The proceedings of this body were harmonious. The resolutions passed dealt with almost every economic need of the South except direct trade with Europe. The chief theme of the convention was the Amazon river—its free navigation and importance to the South.[60] Next in prominence to this question came the building of a Pacific railroad, which the convention claimed should be aided by the national government. Of almost equal prominence with this, were resolutions providing for the improvement of rivers and harbors and the settlement by the national government of the right of way for the Tehuantepec railroad across the isthmus.[61] More liberal education in the South, the collecting of information regarding the manufacture of cotton in the South, special negotiations abroad respecting cotton and tobacco interests, and the establishment of a bureau of statistics, were other matters acted on.

The New York *Tribune* thus criticizes the meeting:

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[59] Proceedings of the convention, in DeBow's *Review*, September, 1853.

[60] The following articles discuss the Amazon region and the situation at that time:

"Valley of the Amazon," by Lieut. M. F. Maury.—De Bow's *Review*, May, 1853.

"Region of the Amazon," by Lieut. Wm. Herndon.—De Bow's *Review*, March, 1854.

"Exploration of the Amazon," by Lieut. Gibbon.—De Bow's *Review*, March, 1855.

"Shall the Amazon and Mississippi Reciprocate Trade.—De Bow's *Review*, February, 1853.

[61] *See* "Tehuantepec, a report made to the late Southern convention by Thos. H. Semmes," in De Bow's *Review*, February, 1857.

"Bishop Otey's talk on Amazonia was chaff. Light seems to be breaking at the South as regards protection. The significant resolution passed was that relating to manufactures. This is the right move for the South. Dependence on Liverpool, England, is the cause of the depression in the South. Direct trade is what the South wants, but she must get this direct trade by building up her home resources."[62]

The next convention, which met in Charleston, April 10-15, 1854, was unquestionably the greatest of Southern commercial conventions. Eight hundred and fifty-seven delegates were present, representing thirteen States—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, and Virginia.[63] In the scope and character of resolutions passed, in the number of delegates present, in the general method of work, and in the enthusiasm shown, this meeting stood above all others, before or after.

Hon. Wm. C. Dawson, of Georgia, for a third time was chosen president.

The building of a Pacific railroad was the theme, the leading issue, of this convention. The resolutions passed advocated the building of such a road by the Southern States in corporation, without the aid of the national government. It departed therefore radically on this question from the views of the Memphis convention.

The encouragement of direct trade with Europe, the connection of Southern ports with the Amazon valley, the building of railways generally throughout the South, and the collecting of statistics regarding the suitability of the country for manufacturing, were also the subjects for resolutions. The proceedings of the meeting, though well-filled with debate, show no acrimonious or violent statements. The convention lacked the great constitutional discussions that took place at Memphis in 1845. It lacked the brilliant debate of those of 1857, 1858 and 1859. Its point of excellence lay in the broad and systematic nature of its work.

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[62] New York *Tribune*, February 15, 1853.

[63] *Journal of Proceedings*, etc., (1854), 8 vo., pp. 159, xxiii.

"The convention did good both as a safety valve and extinguisher. No disunion plan was brought forth and the reopening of the slave trade was hardly noticed. The main objects of the convention were, steamers to Europe and home manufactures. These cannot amount to much without money and money cannot be obtained outside of Wall Street."[64]

On January 9th of the next year, 1855, the New Orleans meeting opened.[65] It was in many ways a less important convention than that at Charleston. Through its entire proceedings can be detected here and there a spirit of discord. The press and the People of New Orleans seemed out of sympathy with the movement. In the remarks of a prominent New Orleans delegate to the convention are unrepressed sneers at the proceedings of previous conventions and the reasons for New Orlean's lack of interest.

"The conventions designed to circumvent the commission merchant of New Orleans; they designed to overthrow the principles of free trade established for centuries, to regulate the whole cotton business and to establish laws between trade and commerce. * * * The Mississippi river was treated as a mere horse pond. * * * Every planter who had a dozen negroes wanted a railroad running by his house and another by his kitchen. * * * They treated the existence of New Orleans as as fabulous as that of Tyre and Sidon. * * * If the city of New Orleans acted with a lukewarm spirit it was owing to hostilities of previous conventions towards her interests."[66]

The number of delegates was less than one-fourth that at Charleston, being two hundred and twelve. Twelve States were represented—Alabama, Arkansas, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Pennsylvania, South Carolina, Tennessee, Texas, and Virginia. The only plausible explanation of the presence of a delegation from Pennsylvania was for the purpose of furthering action on the improvement of the Ohio. The convention chose Gen. Mirabeau B. Lamar, of Texas, president.

The all-absorbing question of the meeting was the building of

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[64] New York *Times*, December 15, 1854.

[65] Proceedings, in De Bow's *Reviews*, March, April, May and June, 1855.

[66] Speech of Judge Alex. Walker, of New Orleans, at New Orleans convention (1855).—De Bow's *Review*, May, 1855, p. 625.

a Pacific railroad. The eloquent Col. Albert Pike, of Arkansas, was its champion—as he had been at Charleston the year before.[67] The convention endorsed the Charleston views but somewhat modified them in that it proposed that the national government should aid by the appropriation of public lands. Thus it is seen that the Memphis and Charleston measures for a Pacific road were combined to make the New Orleans measures.

Other leading questions on which resolutions were passed were: Southern direct trade with Europe, the deepening of Southern harbors by the national government, and the abolition of duties on railroad iron. Two committees of three each were to carry out the objects of the convention. Another committee of seven was to choose the time and place for the next meeting.

Richmond, Virginia, was the place, and the time selected was January 30, to February 3, 1856. At that meeting two hundred and thirteen delegates assembled from seven States—Louisiana, Maryland, Missouri, North Carolina, Tennessee, Texas, and Virgina—and the District of Columbia. One hundred and eighty-three of these delegates came from Virginia. The president of the meeting was Gen. Tench Tilghman, of Maryland.[68]

Direct trade with Europe was the chief topic of discussion and resolutions. The latter called for a reduction of the tariff on railroad iron and a release by Southern legislatures of all license tax on direct importations. Two years before, the New York *Tribune* in reviewing the movement for the revival of Southern commerce said:

"The South's opposition to a protective tariff is the cause for her dependence on the North. She has therefore made her bed and must lie in it. Mere abstract considerations cannot influence the course of trade."[69]

The need of a line of steamships from Southern ports was also touched on in the resolutions.

This convention may be ranked among the less important. Early in the session the question of adjournment was proposed, that is, adjournment to meet later at Savannah.

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[67] *See* Proceedings of convention.

[68] Proceedings, in De Bow's *Review*, March, 1856.

[69] New York *Tribune*, December 20, 1852.

At the specified time, December 8, 1856, the Savannah convention opened. It was in session six days, until December 14. Five hundred and sixty-four delegates were present from ten States—Alabama, Florida, Georgia, Louisiana, Maryland, North Carolina, South Carolina, Tennessee, Texas, and Virginia. James Lyon, of Virginia, was president.[70]

Here was exhibited much of the spirit of the Charleston convention of two years before. The delegation was large and the resolutions passed broad in the field which they covered and definite in the views which they advocated.

Direct trade with Europe and a Pacific railroad were the subjects of the more important resolutions. The former meant the endorsement of what was then known as the "Dudley Mann scheme," which was to establish between Norfolk and Milford Haven, England, a "weekly ferry line of iron steamships of 20,000 tons burden."[71] The resolutions on the Pacific railroad reiterated the views of the New Orleans convention.[72] Resolutions on the publishing of Southern manufacturing and mining statistics by the national and State governments, on the Tehuantepec railroad, on education, and on the necessity of counter emigration from the South into Kansas, constitute other points of importance acted on.

At this convention, a committee was appointed to look into the expediency of reopening the slave trade. A committee was also appointed to examine the question of free trade and direct taxation. During the proceedings a letter from Robert Toombs, of Georgia, was received in which he gave his views regarding direct trade and import duties—a most logical exposition—which will be discussed further on.[73]

The convention's tone was quiet and its resolutions covered in sentiment many Southern needs. The New York *Times* evidently expected a different sort of meeting. It says:

"The South should not be judged by Southern conventions. The last convention was meant for a fire-eaters' convention, but

[70] Proceedings of the convention in De Bow's *Review*, January and March, 1857; *also Advertiser and State Gazette*, Montgomery, December 17, 1856.

[71] Resolutions of Savannah convention of 1856, in De Bow's *Review*, January, 1857.

[72] Resolutions of Savannah convention of 1856.

[73] Printed in De Bow's *Review*, January, 1857.

turned out otherwise. It is believed that the masses in the South are conservative, and if proper methods had been resorted to for election of delegates to the convention different results would have come to pass."[74]

In the Savannah convention is found the first appearance of the political germ—the resolutions dealing with the trouble in Kansas and the revival of the slave trade.[75] The possible agitation of these questions was evidently what caused the New York *Times* to make the foregoing statement. These questions were too intimately connected with the politics of the hour to be touched by any assemblage without the scorch of political fire sooner or later. This came two years later in Montgomery when a commercial convention was metamorphosed into one political.

In point of attendance, the Knoxville convention, which met the next year on August 9, 1857, ranked next to the great Charleston convention. Seven hundred and ten delegates were present, representing eleven States and one territory—Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Maryland, North Carolina, South Carolina, Tennessee, Virginia, and Arizona (territory). J. D. B. De Bow, of Louisiana, the well-known Southern economist, who at one time was head of the United States Census Department, was chosen president.[76]

The convention passed no resolution relative to internal improvement. The chief topics of discussion were the revival of Southern commerce and the reopening of the African slave trade.[77] On the latter question no definite resolutions were passed other than one calling for an investigation of the matter. The resolutions on the revival of Southern commerce advocated the establishment of steamship lines from Southern ports and called for State aid. The improvement by the national government of Southern harbors, the fostering of a more advanced and widely spread and thoroughly Southern system of education, and

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[74] New York *Times*, December 17, 1856.

[75] Resolutions of Savannah convention of 1856, in De Bow's *Review*, January, 1857, compared with resolutions of previous conventions.

[76] *Official Report*, etc., of Knoxville convention, W. Blair Lord, reporter, (1857), 8 vo., pp. 96.

[77] *Official Report*, etc.

the establishment of a great interstate printing house were the subjects for the other prominent resolutions.[78]

A significant thing of the proceedings was the ample provision made for carrying out the objects of the convention. Six committees were appointed, instead of two or three, as was usually the case.

With the close of the Knoxville meeting, the strictly ante-bellum Southern commercial convention became a thing of the past. The two remaining ones—1858 and 1859—which logically belong to this same group, were as much political as economic in fact, more so. The whirlpool of political events at that time seemed to bring all things under its influence. Mighty political forces were at war, but under them, unheeded and unthought of by the multitude, much mightier economic forces were seeking adjustment.

The commercial convention of 1858 met in Montgomery, Ala., May 10th. Ten States were represented—Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia. A. P. Calhoun, of South Carolina, was chosen president.[79]

This meeting dealt little if at all with purely economic topics. The leading theme of discussion was the question of reopening the African slave trade. In a theoretical sense, this could have been treated purely as an economic question; but to treat it in a definite, practical sense, the political question was of necessity bound to enter in. Only through political means could the laws of the Union be changed, or if the alternative was agreed on, separation from the Union would be a political issue.

That on which the debate hinged was a report in favor of reopening this trade, submitted to the convention by Mr. Spratt, of South Carolina, chairman of the committee which drafted it.[80] The report treats the subject from all standpoints and especially from the economic. In discussing the question, the convention, in the main, put aside the economic phase and treated it as a political issue, an issue on which hung the continuance of the South within the Union.

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[78] Resolutions in *Official Report* of Knoxville convention.

[79] Proceedings of convention printed in De Bow's *Review*, June, 1858.

[80] This Report is printed in full in De Bow's *Review*, June, 1858.

Mr. Yancey, of Alabama, was the spokesman and leader of those favoring the reopening of the trade. He claimed that the law which prohibited it was unconstitutional; that the constitution says: "Congress shall enact no laws prohibiting the emigration and importation of such persons as the States now allow before the year 1808." This very clause, he said, was a guarantee of slavery because it forbade Congress to interfere with it before 1808. When in 1807 a law was passed that after 1808 no slaves should be imported into the Union, that law was unconstitutional in its discrimination against the South. As to the economic expediency, he was virtually silent on the subject, saying that the great law of supply and demand would regulate that.[81]

Mr. Yancey's most prominent opponent was Roger A. Pryor, of Virginia. His speeches to the convention consisted in large part of answers to the economic and kindred arguments in favor of it, quoted in Mr. Spratt's report. Mr. Pryor said that if the South wished to increase its population for political power it should induce foreign white emigration and not bring in at a great cost slaves who counted only three-fifths as much. He claimed that a dense population, as at the North, meant the failure of our republican form of government; that an increase and consequent cheapening of labor for the cotton fields would cause a decline in the price of cotton; that the enlargement of the basis of slavery would bring no advantage to the South or to the institution of slavery; and that its diffusion following an increase in the number of slaves by importation, would mean the actual weakening of the institution. He thought that as long as the South remained in the Union, a repeal of the law prohibiting the slave trade was impracticable and moreover unconstitutional. According to the actual remarks of Mr. Pinckney, of South Carolina, he and other members from the South in the constitutional convention understood the constitution to grant the power to Congress to prohibit the importation of African slaves after the year 1808. It was considered then a bargain struck, a contract made by the framers of the constitution.[82]

Hon. Henry W. Hilliard also figured prominently in the debate, supporting Mr. Pryor. He claimed that the power of Congress

[81] Proceedings of convention in De Bow's *Review*, June, 1858.
[82] Proceedings of convention in De Bow's *Review*, June, 1858.

to regulate commerce gave it the right to pass laws against the African slave trade. He strengthened his statement by reading passages from Elliott's debates, showing that the framers of the constitution, Mr. Madison among them, were of his opinion.[83]

Nothing was accomplished by the convention of 1858 except the agitation of one part of a question which in three years time led to secession and civil war.

The resolutions as finally passed were in brief, as follows:

1. That the convention is in favor of the establishment of Americans in Nicarauga.

2. That the Federal government is warned against any further unlawful debarring of Southerners from that region.

3. That it is inexpedient for any State or its citizens to attempt to reopen the African slave trade while that State be in the Union.

4. That the Federal government should repeal the fishing bounties.

5. That a convention be called to discuss the serious political dangers to the South.[84]

Was this convention changed into one political after its assembling, or was its political tendency prearranged? Both, probably. In the publication of the convention objects before the meeting by the official committee appointed for that purpose at Knoxville the year before, these were the points put forth:

1. "The question of master and slave, involving the physical and religious improvement of the slave; the subject of slave laws and police; the reclamation of slave property taken away by fraud or force; and the modes of retaliatory legislation.

2. "The question of the supply of labor at the South, in its relation to the production and consumption of Southern commodities, to the free blacks, to the African fleet, and to the action of England and France in the introduction of coolies and apprentices.

3. "The effect of the tariff, banking bounty, and navigation system upon the South and the reciprocal interests to the planter and merchant.

4. "The development of Southern agriculture, a proper enlargement of manufactures and commerce, the establishment of a system of internal improvement, and the subject of ocean steamers and marts.

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[83] Proceedings of convention in De Bow's *Review*, June, 1858.

[84] Synopsis made from resolutions in De Bow's *Review*, June, 1858.

5. "The resources and self-sustaining capabilities of the slave-holding States, and the establishment and independence of their literary and educational systems.

6. "The political relations of the South under the Federal constitution, and the foreign policy to be supported; the maintenance and extension of her institutions within the limits of the Union and beyond them, and her means of defense and security from aggression, present and prospective."[85]

The convention at Montgomery adjourned to meet the following year at Vicksburg. At the appointed time, May 9, 1859, the Vicksburg convention opened. The reports of the meeting so far available do not give the number of delegates. Nine States were represented—Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, and Texas.[86] Says a leading Southern journal of the day: "All the more Southern slave-holding States were represented, some, it is true, very meagerly, but others largely."[87]

Five days the convention was in session, and four out of these five were taken up in a discussion of the African slave trade.[88] Yet other things were done. This meeting has more right to the name "Commercial convention" than its predecessor at Montgomery.

Resolutions were passed advocating the removal of obstructions at the mouth of the Mississippi river by the national government, on the ground that this river was an "inland sea."[89] Other resolutions dealt once again with the vital importance to the South and the entire country of a Pacific railroad, and called for national and State aid in building it. While still others expressed the convention's approval of the pending establishment of permanent commercial relations between the Southern Mississippi valley and Belgium; provided for the appointment of committees to consider education; and proposed measures for the more

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[85] Printed in De Bow's *Review*, May, 1858.

[86] De Bow's *Review*, June, 1859.

[87] De Bow's *Review*, June, 1859, p. 713.

[88] Proceedings of convention in De Bow's *Review*, July, 1859; *also* De Bow's *Review*, June, 1859, p. 713.

[89] Proceedings of convention in De Bow's *Review*, July, 1859, p. 100. Reference was here made to Calhoun's declaring the Mississippi river an "inland sea," at convention in 1845.

definite organization of the Southern commercial convention movement.[90]

The two leaders in debate here pitted against each other, respectively for and against the reopening of the slave trade, were Mr. Spratt, of South Carolina, and Governor Foote, of Mississippi.

Mr. Spratt was a burning, eloquent advocate. He claimed that the border States were steadily sending forth slaves into the West and lower South, that each day free labor was encroaching on slave territory, that in time this would force the border States to become free territory, and thus, if more slave labor were not procured in some way, slave territory would not only be restricted to narrower and narrower limits in the section of its then seeming establishment, but would also be unable to spread and acquire more territory. Mr. Spratt thought it impracticable to hope to obtain Congressional enactment for the reopening of the trade. He therefore counseled nullification—of the violent, un-Calhoun type—saying that:

"If this government in the madness which precedes its dissolution, shall send its agents to enforce the law; if they shall search our homes and seize our citizens for acts we recognize as right, the tea again falls overboard, the powder is seized again in Charleston harbor, and as sure as the sun shall rise, it shall rise upon the reeking plains of a Southern Lexington and Concord."[91]

Governor Foote replied in a pointed, scathing speech. He said that the reopening of the slave trade meant among other things, which he discussed, three certainties: A reduction in the price of cotton, a tremendous reduction in the value of slaves, and consequently their almost exclusive acquirement by the capitalist.

As to Mr. Spratt's method of opening the trade, he declared it would be high treason against the government of the United States, and moreover, he charged Mr. Spratt with spreading treasonable sentiments in his speech. Governor Foote counseled strict adherence to the laws of the Federal government, which were, he said, the logical safeguards to the institution of slavery.[92]

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[90] Proceedings, etc.

[91] Debates of convention, reported in De Bow's *Review*, August, 1859, p. 212.

[92] Debates of convention.

As the debate proceeded, so violent became the controversy between the factions that Governor Foote and a fellow anti-slave-trader, a Mr. I. N. Partridge, resigned their seats and left the convention.[93]

Finally the vote was taken on the resolution, which read as follows:

"That in the opinion of this convention, all laws, State or Federal, prohibiting the African slave trade ought to be repealed."[94]

It resulted thus: Ayes, Alabama, Arkansas, Louisiana, Georgia, Mississippi, and Texas; noes, Tennessee and Florida. The vote of South Carolina was equally divided.[95]

Probably the most important thing done by this convention as a strictly commercial convention was the passage of resolutions tending to establish future meetings on a more permanent basis. These provided for the appointment by the State Governors of three delegates from each Congressional district and four from the State at large, and for the appointment of one delegate for each election district by the county police and probate courts and the mayors of cities. In addition they called for two committees: one a standing committee in each State to invite such citizens of other States as they saw fit, and the other to look into the expediency of having the delegates elected by the people.

But of what profit were all these measures for organization? Of what real importance were they, except as a significant incident in the growth of a movement which then stood on the brink of utter ruin and oblivion? The great drama it had sought to prevent, the tragedy its members and advocates perhaps foresaw and strove to change, swept it aside and out of being.

No one measure ran through all the conventions of this last group—1853-1859. Two, however, occupied prominent places in the proceedings of five out of the seven conventions. The convention in Montgomery in 1858 swung so much out of line that it cannot be considered in a discussion of the basic resolutions of the conventions.[96]

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[93] Proceedings of convention in De Bow's *Review*, July, 1859, p. 100.

[94] De Bow's *Review*, June, 1859, p. 713.

[95] De Bow's *Review*, June, 1859, p. 713.

[96] Proceedings and resolutions of Montgomery convention of 1859, in De Bow's *Review*, June, 1858.

The two measures in question were the building of a Pacific railroad and the opening of direct trade with Europe—internal improvement and external extension. The following table shows the time and place of their recurrence:

Pacific Railroad:		*Direct Trade:*	
1. Memphis,	1853	1. Charleston,	1854
2. Charleston,	1854	2. New Orleans,	1855
3. New Orleans,	1855	3. Savannah,	1856
4. Savannah,	1856	4. Knoxville,	1857
5. Vicksburg,	1859	5. Vicksburg,	1859

In tracing the development of the plans for a Pacific railroad, we find that the conventions' actions did not move uniformly. At Vicksburg in 1859 very much the same views were advocated as at Memphis in 1853, while in 1854, 1855 and 1856 much more definite ground was taken.[97] The Memphis meeting passed exceedingly general and vague resolutions on the subject. They stated that the railroad was desired and that it was the duty of the Federal government to render some aid. The resolutions as first submitted contained a clause that the national Government should build at least one trunk line. This was stricken out.[98] The national Government should aid, but who should actually build the road or how this aid should be extended was unmentioned.

Extremes beget extremes. If Memphis was indefinite, Charleston (1854) was distinctly the opposite. The plan for a Pacific railroad as put forth by this meeting was probably the most definite and explicit measure, whether practicable or not, forthcoming from any Southern commercial conventions. Its proposer and leading advocate was Albert Pike, of Arkansas.[99]

The road was to be built by the South alone. The plan called for the granting of a charter of incorporation by the Virginia legislature. The members of this corporation were to be the separate Southern States, and any cities, private corporations, or individuals who wished to subscribe for stock. Each State was to take not less than two million dollars worth of stock, and each was to be equally represented on the board of directors.

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[97] Proceedings of each year in De Bow's *Review.*

[98] Proceedings of Memphis convention of 1853 in DeBow's *Review*, September, 1853, pp. 267 and 271.

[99] *Journal of Proceedings,* 1854, pp. 64-70, and p. 16 of appendix.

The matter was to be laid before the Creek, Cherokee and Choctaw nations, and they were to be given the opportunity of becoming sharers in the enterprise. Also the State of California was to be invited to join. The proposed terminus of the road lay on the Gulf of California. It would therefore be necessary for the road to extend through Mexican territory, which matter was to be arranged with the Mexican government by the Southern States acting as a corporation. Their power to negotiate with a foreign nation was to be granted in the charter. Each State at the South was to recognize the existence of this corporation and grant it such powers "as may be necessary to effect the objects of the organization."[100] Special sessions of the different State legislatures were to be called and committees were appointed to take immediate action in pushing forward the matter.

This plan was unanimously adopted by the convention. As Colonel Pike unfolded its different parts in an eloquent and stirring speech, the convention literally went wild. Again and again he met with cheers and "rapturous applause." The galleries were crowded with ladies.

The North was not as sanguine. Quoting the New York *Times:*

"His (Pike's) plan for raising money is impracticable, and as regards amount, $28,000,000 insufficient. He would find more capital in New York City and Philadelphia than among the Indians and Mexicans."[101]

Another novel plan for the building of a Pacific road was that laid before this convention by Lieut. M. F. Maury, the distinguished geographer, who, Humboldt said, originated a new science. Lieut. Maury claimed that as a measure of national defense the Federal government should construct a double track line to the Pacific. This line was to serve the same purpose as a river or other public waterway. The rolling stock was to be operated by private individuals. It was to be a public thoroughfare, kept up by the government, who should also regulate the movement of trains.[102] This measure was not put as a resolution and of course was not acted on.

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[100] *Ibid*, appendix, p. 16.
[101] New York *Times*, April 25, 1854.
[102] *Journal of Proceedings*, pp. 79-83.

The Charleston convention in discussion, but not in resolutions, repudiated any aid by the national government in the building of a Pacific railroad.[103]

The New Orleans convention called for national aid and adopted all measures of the Charleston meeting.[104]

The convention at Savannah in 1856 adopted the resolutions of the New Orleans convention with nothing new added.[105]

The Vicksburg resolutions of 1859, as has been said, reverted toward the views of the Memphis convention of 1853. They were more definite, however, calling for the appointment of a committee to memorialize the State legislatures and Congress for aid in the undertaking.[106] Yet in this matter of a Pacific road we find the end not far removed from the beginning, in either accomplishment or views as to how things could be accomplished.

The question of Southern direct trade, though acted on by a majority of conventions of the last group, took up little of their time in discussion. The matter seemed an acknowledged need of the South. The progress in this line of endeavor was in the end more satisfactory than that made in the building of a Pacific railroad.

The Charleston convention of 1854 proposed that the Southern States encourage direct trade by remitting all tax or paying a drawback to the importer. It also appointed committees to inquire into the need of establishing steamship lines from Southern ports, and to memorialize Congress upon the carriage of foreign mails.[107]

The resolutions of the New Orleans convention of 1855 advocated in general terms the establishment of steamship lines from Southern to European ports and claimed that the national government should grant to them their just share of the foreign mails.[108]

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[103] Col. Pike, the formost advocate of the Pacific Railroad, repudiated it and his speeches to the convention on this subject called forth wild applause. His plan was unanimously adopted by the convention.

[104] Proceedings of convention in De Bow's *Review*, April, 1855, p. 520.

[105] Proceedings of convention in De Bow's *Review*, January, 1857, p. 99.

[106] Proceedings of convention in De Bow's *Review*, July, 1859.

[107] *Journal of Proceedings*, appendix, pp. 18, 19.

[108] Proceedings of convention in De Bow's *Review*, March, 1855, p. 360.

At Savannah the following year was broached the once famous "A. Dudley Mann Scheme."[109] It is a fit companion to Colonel Pike's Pacific railroad scheme. They stand as picturesque examples of the aggressive, visionary, but withal big commercial thought of certain Southern men at that time. The eagerness with which the people seized on both showed that this spirit of awakening, of a desire to try new and great things, was abroad.

Mr. Mann proposed to incorporate a company with a capital stock of $50,000,000 for the purpose of establishing a "steam ferry" between the Chesapeake—the exact port not specified—and Milford Haven, England, a small but good harbor near Liverpool. The "ferries" were to be iron steamships of 20,000 tons burden each, which should make weekly trips between Europe and America. Mr. Mann thus spoke of the proposed fleet:

"Four such vessels in point of size as the *Leviathan*, leaving each side of the Atlantic weekly would convey two millions of tons of cargo per annum. Three hundred sailing vessels of a thousand tons each would not have the capacity to perform such a service. Moreover, those vessels would require that which the South is not in a condition to supply,—ten thousand sailors; while sixteen hundred hands including the necessary number of experienced seamen, would be ample for four *Leviathans*. The economy in building, running, equipping, and all else, of the latter over the former would be fully fifty per cent. A cargo of twenty-five thousand bales of cotton could be received aboard or discharged in three days. The gross receipts for the voyage, or a passage out and a passage in, may be safely estimated on an average at $200,000, or $10,400,000 per annum. The steamships, constructed entirely of iron, would probably be seaworthy for one hundred years, and then in value be worth half their original cost. As it is tolerably certain that they could be made reliably sea proof and fire proof, insurance would be measureably dispensed with; and including wear and tear, they could be prob-

[109] Resolutions of convention in De Bow's *Review*, January, 1856, p. 96; *also* for a general discussion of the question, see the following articles.

"The Steam Ferry Line to Europe from the Chesapeake," by A. Dudley Mann, in De Bow's *Review*, April, 1857;

"Letters from Lieut. Maury and Joseph Segan on a Line of Steamers from the Chesapeake to Europe," in De Bow's *Review*, May, 1857;

"Southern Steamship Line," by a Dudley Mann, in De Bow's *Review*, September, 1857;

"Southern Enterprise: Line of Steamships from Norfolk to Europe," by B. T. Archer, in De Bow's *Review*, February, 1853.

Also De Bow's *Review*, September, 1857, pp. 321-324.

ably run at a cost not exceeding $7,000,000 per annum, when fairly established."[110]

These would be enormous ships, even for the present time. His idea was indeed a bold and fascinating one. On both sides the Atlantic the plan was discussed. Said the *London Times* in speaking of the *Leviathan,* one of the proposed fleet:

"Even Noah's ark must yield precedence to her, and to her all the *Marlboroughs* and *Wellingtons* and *Merrimacs* and *Niagaras* are mere cockboats."[111]

Mr. Mann's plan was broad as it was bold and fascinating. He preached concentration of railroads on the Chesapeake, especially the roads in the South and Middle West.[112] He clearly meant to turn the export trade of the Ohio and upper Mississippi valley into other channels and thereby cut off one of the great elements of New York's strength. He meant equally to deflect the trade of the South thitherward. In brief he meant to move the emporium of American trade from New York Bay to the Chesapeake—Norfolk, in all probability.[113] The railroads were in sympathy with the movement, for in June, 1857, at the call of the Virginia and Tennessee railroad company, a convention of all the companies of Virginia, Kentucky, and Tennessee was held at Bristol, Tenn., to select a commission of three, who should proceed to England and lay before the Chambers of Commerce in Liverpool, Manchester, and London, the importance of the steamship line and railroad connection incident to a direct trade with the South.[114]

The enemies of the measure, notably of course the Northern press, claimed that if such a line were established there would be insufficient traffic to make it a success, and even if there were sufficient traffic, the financial resources of any city on the Chesapeake would be inadequate to handle the trade.

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[110] "Atlantic Steam Ferry Company," by A. Dudley Mann, containing charter of incorporation, in De Bow's *Review,* May, 1858, p. 352.

[111] Extract from the *London Times,* in De Bow's *Review,* May, 1858, p. 371.

[112] Proceedings of steamship convention at Old Point Comfort, Va., 1857, in De Bow's *Review,* September, 1857, p. 32.

[113] "Atlantic Steam Ferry Company," by A. Dudley Mann, in De Bow's *Review,* May, 1858, p. 352.

[114] De Bow's *Review,* July, 1857, p. 86.

A writer in the Norfolk *American* said regarding the former danger:

"The valley of the Ohio has four times the produce necessary to load a weekly line of mammoth steamers; the Virginia water line can transport three times as much as this weekly line would require; and the average saving of freight over this line would be nearly one-third of the cost of rival routes."

Certainly the Baltimore and Ohio railroad had grown with wonderful rapidity. In 1856 it transported 955,000 barrels of flour alone to tide-water of the Chesapeake.[115] As to the financial side of the question, it was true that there was a woeful lack of funds, but great commerce builds banking houses, and it was an open question whether a first lack of funds would have prevented trade.

Mr. Mann obtained a charter from the legislature of Virginia incorporating the company.[116] Ten days later, March, 1858, books were opened and stock was being sold. The shares sold for one hundred dollars each. It was a provision of the charter that for six months after sales opened no one could subscribe for more than one share. The object was to enable every person in the South to become a shareholder. It was meant for and was a popular demonstration for Southern Commercial independence.[117] The line was to open in 1862.

The convention at Knoxville in 1857, as far as the expression of sentiment was concerned, passed important resolutions on the establishment of steamship lines from Southern ports. They stated that steamship lines were as worthy of public aid as railroads and called upon Southern business men to extend every aid possible. Committees were appointed to memorialize the State legislatures on the subject and to prepare an address to the people.[118]

The resolutions of the Vicksburg convention of 1859 expressed only approbation and give notice that something definite had been accomplished in the establishment of Southern trade rela-

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[115] De Bow's *Review*, April, 1857, p. 440.

[116] The charter is printed in De Bow's *Review*, May, 1858, p. 375.

[117] "Atlantic Steam Ferry Company," by A. Dudley Mann, in De Bow's *Review*, May, 1858, p. 353.

[118] *Official Proceedings*, etc.

tions with Europe. It seems that negotiations had been carried on between the cities of the Mississippi valley and the Belgian government. A special ship, the possible forerunner of an established line, was soon to arrive. The cities—New Orleans, Vicksburg, Memphis, and St. Louis—were urgently advised to make the visit a success.[119]

And here we reach the end of the movement for direct trade. Had there been progress since 1853? There can be little doubt that there had been. In 1853 the condition of Southern steamships and direct trade was about the same as in 1843 or 1833. In 1859, trade relations had been practically established with a foreign country and stock for a $50,000,000 line was on sale, while a second from New Orleans to France, was in progress of organization and had already made application to Congress for the carriage of mails.[120] Of course the conventions did not necessarily bring all this about, but no doubt exerted a strong influence.

A third far-reaching scheme was the proposal to open the Amazon valley to Southern trade.[121] The opening of the Amazon valley had been for several years a question of public discussion and of diplomatic negotiation on the part of the Federal government. Its broachment at the Richmond and Memphis conventions of 1852 and 1853, respectively, was a new idea only as regards the great importance of this region's commercial acquisition by the South. A matter of national concern was thus made a question of deep sectional interest.

A clear understanding of the situation will require a brief review of a few incidents of history.[122] In 1850 a war was raging between Brazil and Paraguay over the refusal of the latter to allow the former free navigation of the Paraguay river, which took its source in Brazil. It was proposed in Washington that the United States Government mediate in the war and obtain

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[119] Proceedings of convention in De Bow's *Review*, July, 1859.

[120] "Ocean Steamers from New Orleans to France," in De Bow's *Review*, March, 1857.

[121] Proceedings of convention of 1852 in De Bow's *Review*, April, 1853, p. 374; *Also* Proceedings of convention of 1853 in De Bow's *Review*, September, 1853.

[122] A Clear review of the situation is presented in an unsigned article of De Bow's *Review*, February, 1853.

for Brazil the right of free navigation. Using this as a precedent, it would then negotiate with Brazil for the free navigation of the Amazon after having secured from Bolivia and Peru, within whose borders lay the western portion of the Amazon valley, ports of free entry.

Brazil in some way heard of the pending plan of procedure, of the commercial designs of "this nation of pirates,"[123] and forthwith redoubled her efforts, brought the Paraguaian war to an early and successful end, and at once sent special envoys to her western neighbors, Bolivia and Peru. Her object was to secure the exclusive right of foreign navigation in their Amazonian streams, granting in return the privilege of navigating the Amazon in Brazilian territory. The envoy to Peru met with success, but the one to Bolivia was refused point-blank. Three months before the signing of this treaty between Peru and Brazil, the American minister at Lima, Mr. Clay, had brought to a close a formal treaty between Peru and the United States granting among other things that "the citizens of either republic may frequent with their vessels all the coasts, ports, and places of the other, wherever foreign commerce is permitted."[124] And furthermore, in this treaty, Peru bound herself not to grant any "favors, privileges, or immunity whatever, in matters of commerce and navigation to other nations which shall not be also immediately extended to the citizens of the United States." Bolivia granted the United States freedom of navigation in her part of the Amazon valley. On these upper water courses both Peru and Bolivia had established ports of entry. Therefore, the question was restricted to this: do, in the case of a river system, free ports of entry throw open the entire system to navigation up to those ports? Brazil with glaring inconsistency refused to acknowledge the right.

The Memphis convention declared: "that the free navigation of the Amazon was worthy of the best efforts of American statesmen;"[125] that our sister republic of the South—Bolivia—had a right to the free navigation of the Amazon; that the Amazon

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[123] "Observator," Brazil, Oct. 23, 1852, quoted in De Bow's *Review*, September, 1853, p. 263.

[124] De Bow's *Review*, February, 1853.

[125] Resolutions in De Bow's *Review*, September, 1853, p. 263.

valley should be replenished and subdued; and that Lieut. M. F. Maury be appointed to call the attention of the government to the importancee of procuring the free navigation of that river and of opening commercial relations by steam. Bishop James H. Otey and Dr. C. T. Quintard, of Tennessee, were the leading advocates of the open valley policy at this, the Memphis convention.[126]

At Memphis the measure in question met with no opposition, at Charleston, with considerable. It was declared a matter entirely foreign to the interests of the convention—a political matter, which encouraged meddling with another nation's affairs and filibustering. The resolutions finally passed at Charleston recommended to the Federal government the sending of two small steamers to explore the river and the encouragement of the establishment of lines of steamers between Southern ports and the mouth of the Amazon.[127]

In the speeches of the advocates of this seemingly incongruous subject for a commercial convention—Bishop Otey and Dr. Quintard at Memphis and Lieutenants Herndon[128] and Maury at Charleston—we catch the real significance of the agitation of the question. Commercial expansion was necessary for the South and the less exploited the field, the greater would be the South's chance of controlling the commercial destiny of that field. Such a region as desired, unexploited by others, but containing an abundance of natural wealth, was the Amazon valley, with its 2,000,000 square miles of tropical forests, teeming with the wealth of the vegetable kingdom; with its western and southeastern mountain barriers yielding precious metals in immense quantities; with its diamond fields and prairies, grass covered table-lands and deep water-ways, and above all, with its soil, giving forth a thousand fold in a year and under its burning tropic sun calling aloud for African slave labor. The basic social institution of the South would here be given an opportunity to spread southward, and in time, as the American reduced to plantations the wilds of the Amazon, Brazil would in a sense become only

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[126] *See* proceedings of convention.

[127] *Journal of Proceedings* at Charleston convention, in which see speech of James Lyon, p. 116.

[128] Lieutenant Herndon had lately returned from exploration on the Amazon.

an extended South whither could be sent our surplus African population, and there would be found another great agricultural section whose social foundation stone was similar to the South. Thus argued the advocates of the measure. They were visionary, perhaps, but their view was a broad one. As a part of the theoretical commercial policy of the South it was important because two great conventions of Southern men of affairs endorsed it.[129]

Resolutions on the establishing of manufactories in the South, passed by the conventions of 1854, 1856 (Memphis), 1857, and 1859, were general in tone, endorsing the idea, calling on the South for co-operation, and appointing committees to report statistical information at the following meeting—none of which was done. The conventions attempted to put forth no definite scheme for the direct or indirect establishment of manufactories.

The betterment of the South's educational system[130] was a subject of resolutions for every convention of the last group, except Baltimore, 1852, and Montgomery, which is not included in this discussion. Besides advocacy of Southern education in general, these resolutions sought to bring about two things: first, a uniform system of school books written by Southern men; second, the establishment of a Southern printing house.[131] The convention at Knoxville proposed a plan for creating a company composed of the different Southern States in order to bring this latter thing about. The Charleston convention of 1854 recommended a system of commercial education and Vicksburg, 1859, schools for the training of seamen, which schools should be supported by the State. These were the only instances of proposals for education with a distinctly commercial aim.

A discussion of the tariff filled little time of the conventions, and resolutions for it, or as would be expected, broadly against it, are not found in the proceedings. At Charleston in 1854 and at Richmond in 1856 resolutions were passed calling for a reduction by the national government of the duty on railroad iron. In this respect, the conventions of the last group, 1853-1859, were markedly different from those of earlier years—of 1837-1839

[129] Convention of 1853, Memphis, and 1854, Charleston.

[130] For a general discussion of the subject, *see* "Southern Education for Southern Youth," by Jno. L. Perkins in De Bow's *Review*, October, 1855.

[131] *See* resolutions of conventions.

especially. On this subject of a tariff and kindred subjects the convention at Savannah in 1856 received a letter from Robert Toombs, of Georgia, in which he gave his views, emphatically laid down, of what he considered necessary for the revival of Southern commerce.[132] He said that this could only be brought about by making it cheaper to import directly into the South than through the North. The only way for the slave-holding States to make this so was by taxing imports through the North and remitting all tax on imports direct to Southern ports, to such an extent that the preference in trade would be forced in favor of the Southern importer.

Says the New York *Times* in criticism of this letter:

"Senator Toombs' letter to the convention shows him clear-headed enough to see that nothing can be done by mere resolutions. The scheme cannot work, for it is simply proposing that the Southern people voluntarily tax themselves to buy goods from abroad, which is not the cheapest market."[133]

In a review of the multifarious measures of these fourteen conventions, from 1837 to 1859, one is very apt to feel confused, long before the end is reached. The theoretical end, it is true, was commercial regeneration, but the ways for bringing it about vary with each meeting, advancing from the vaguely general to the particular, retreating from the particular to the vaguely general, and then sinking out of sight to be brought up in a new phase years later or remaining to the end in the dust box of oblivion.

Yet although the specific resolutions varied, the proceedings and apparent aim of each convention, and therefore the entire lot, fall under two heads: improvement of commercial conditions at home and the extension of commercial relations abroad. The conventions of 1845 and 1849 seem exceptions to this rule. They were exclusively for internal improvement. But the avowed aim at Memphis in 1845 was: to bind the South together, the Atlantic coast with the Mississippi valley, to clear the Mississippi for navigation, and then to bind the West to the South. The convention of 1849 proves the only exception. The connecting

[132] Letter from Robt. Toombs to Messrs. Edward C. Anderson, Mayor, and others of Savannah, Ga., in De Bow's *Review*, January, 1857, p. 102.

[133] New York *Times*, Dec. 17, 1856.

of the Atlantic coast with the Pacific was its single aim. Consequently its resolutions fall under only one of the heads,—to extend commercial relations abroad.

From the beginning to the end the extension of relations abroad was to be accomplished by Southern steamship lines, by the reduction of taxes and, in some cases, duty on certain imported articles, and by the establishment of financial relations abroad by Southern banking houses. Under this general head comes the plan of opening the Amazon, A. Dudley Mann's $50,000,000 steamship proposition, and the Pacific railroad. May be the movers were dreamers, but no one will deny that they were grand dreamers. What meant their schemes? One aimed at the commercial acquisition by the South of the greatest river valley in the world; another at Southern control of European commerce with America; another hoped to turn the balance of Asiatic trade into the South and through the South to the rest of America and to Western Europe. These were not half-way measures. They aimed at conquest, absolute mastery.

The improvement of conditions at home meant internal improvement in its broadest sense. Railroads should be built, canals dug, rivers cleared, education fostered, manufactories established, statistical information spread, and Southern financial institutions brought in closer touch and made parts of a Southern system. The last measure is only met with in the earlier conventions—1837-1839. It called forth their foremost resolutions.

The Vicksburg convention of 1859[134] adjourned to meet in Atlanta, Georgia, in the following year, but the approach of the Civil War put an end to these meetings for the furthering of the economic South. A study of their rise and progress leads at last to a chasm, into whose depths plunged the economic South of old. The different schemes are lost sight of while in mid-air. Thus it was with the trade with South America, with A. Dudley Mann's scheme, with the great inter-state printing house, with the extensive plants for internal improvement, with the forming of trade relations abroad. Even before the end the original spirit of the conventions had vanished. The political heat of the hour had destroyed it.

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[134] Proceedings of Vicksburg convention, July, 1859.

VIII. THE NASHVILLE CONVENTION OF 1850.

By Dallas Tabor Herndon, Mobile, Ala.

The so-called Nashville convention, which met in the city of Nashville, Tenn., June 4, 1850, was a meeting of Southern men representing a number of the slave-holding States. The chief purpose of this meeting was generally conceded to be the presentation of a united protest from the South against the attempt to exclude Southern men with their slaves from the national territories, which had recently been won from Mexico—in other words, to protest against all forms of the Wilmot proviso.

The advocates of the movement declared in support of their plan that the constitution and the Union were in imminent danger from the threatened aggressions of the solid North; that the continuation of the Union in its integrity depended upon the organization of a great Southern sectional party; and that this was the aim of the convention. On the other hand, those who emphatically opposed the plan, characterized it as a treasonable scheme instigated by ultra-factional leaders in South Carolina and Mississippi to sever the union and form a Southern confederacy. These accusations came largely from members of the Whig party, who further stigmatized it as a second Hartford convention.

The Nashville convention grew directly out of a call made by a State convention held at Jackson, Miss., October 1, 1849. But there is evidence to show that the conception originated with some Southern representatives in Congress, the most conspicuous of whom were Senators Calhoun and Butler, of South Carolina, and Davis and Foote, of Mississippi.

Foote's and Butler's statements made in the Senate on the 8th of May, 1850, in reply to certain adverse criticisms made by Senator Houston of Texas, throws some light on this point.

Houston said in part:[1] "It has been a matter of sincere regret to me that the South, of which I form a part, deem it necessary

[1] Appendix to *Congressional Globe*, 31st Congress, 1st Session, p. 100. *See also* Von Holst, *John C. Calhoun*, p. 317, *et seq.*

at this time, and in consideration of what seems to be apprehended, to resort to the extraordinary mode of remedying existing evils, and averting others, by a convention. It would not do to start in South Carolina, where discontent has unfortunately in former times existed to an unlucky extent; but the little, gallant, heroic State of Mississippi, upon the brows of whose heroes the laurels are yet verdant and unwithered, must step forward and be the champion, the forerunner of this movement, while the good old State of Tennessee must become the theatre for the organization of the different representatives from the States."

To which Mr. Foote replied:

"I trust he [Houston] did not intend to insinuate as a matter of opinion, still less to make the statement as a matter of fact, derived from any authority, that the sovereign State of Mississippi, in the incipient movement towards the National convention, for which she is responsible, was instigated by South Carolina or her statesmen; or that she acted otherwise than upon her unbiased judgment, without instigation from any quarter."

By December, 1851, Foote had changed his mind and frankly admitted in the following language Calhoun's influence:

"I have heretofore mentioned in this body, that it was through me, in the first instance, that Mr. Calhoun succeeded in instigating the incipient movements in Mississippi, which led to the calling of the Nashville convention. I repeat that statement now, and insist that my fellow citizens of Mississippi, who had been thus induced to assume the responsibility of calling the general convention into being, had a right to expect the earliest information to be given to them of any contemplated departure from the original plan of operation."

This change of view he explained some days later as follows:

"Mr. Calhoun, during his life, with the purest intentions, with no disposition to lead or control our State, had a pretty extensive correspondence with persons there. This is a fact which I did not know at the time I delivered the speech which has been read by the honorable Senator. The truth is, that I never heard, until recently, of the letter which I read the other day of Mr. Calhoun to a fellow-citizen of mine, Mr. Tarpley. I was surprised when I found that such a letter had been written. In the course of last year—and I say it without intending to cast any imputations anywhere—I ascertained by various evidences, that several gentlemen in my own State had been corresponded with by the dis-

tinguished Senator from South Carolina, now no more, on this subject. The letters I have seen, according generally with this one, satisfied my mind that the *modus operandi* of the convention was more or less marked out by his great intellect."

The Mississippi call for the Nashville convention was closely connected with the once famous Southern address,[2] issued by a number of Southern members of Congress in January, 1849. The Mississippi convention which issued that call referred to "the Address of the Southern delegation in the last Congress, to which the resolutions of the central and primary meetings in the State, and the proceedings of the convention which followed them, may be regarded as the response of Mississippi."

In regard to this address Senator Butler made the following statement in the Senate:

"The gentleman [Houston] has correctly said that the action of Mississippi is referable to, and originated no doubt in, what he calls the Southern address. I state here, on my responsibility as a senator upon this floor, that the meeting of southern members of Congress which resulted in the Address did not originate with South Carolina, nor was it suggested primarily by either of the Senators or Representatives of South Carolina. And so far as regards my distinguished colleague, [Mr. Calhoun,] he knew nothing of it, sir, until the suggestion had been made, and until there had been two or three meetings of these other gentlemen. The call itself for the meeting did not originate with my colleague; and, sir, three meetings occurred before he was consulted; and I am not sure that he was not in the first instance opposed to it. It did not originate with him. My honorable friend from Mississippi [Mr. Foote] and my honorable friend from Virginia [Mr. Hunter] met accidentally in a committee room of this Capitol, and a conversation there occurred; and, sir, with the intrepidity and courage which marked the character of both, they said that matters had assumed such an aspect, and the position of affairs was such, that something of the kind was called for. I say, sir, as a matter of history, that it originated with these two gentlemen, and was adopted afterwards by all, and by the honorable Senator from Texas; and it was no more

[2] Indeed some such idea seems to have been entertained by Southern congressmen even before the address was published. On November 12, 1848, John Cunningham in a letter to Calhoun said, "Nothing can now arrest so well this fatal tendency as a concerted effort by the leaders of both parties at the South to get up a Southern convention, in compliance with their understanding at Washington and the necessity of the crisis."—Correspondence of J. C. Calhoun, p. 1186.

suggested by my honorable colleague, [Mr. Calhoun], than by that honorable Senator * * * * . The honorable Senator from Tennessee [Mr. Turney] was also at the first meeting."

Although the plan may not have been the conception of Mr. Calhoun, as generally charged at the time, it is a fact that he immediately adopted the idea, and became the leading exponent of it.[3] What really took place was essentially this. On the 23d of December, 1848, a caucus of sixty-nine Southern Congressmen was held in the Senate chamber, to consider some plan to avert the dangers that threatened their section. A committee of fifteen was appointed, which committee commissioned five of its members to prepare an address. Mr. Calhoun, who was the guiding spirit of this committee, drew up an "Address of the Southern Delegates in Congress to their Constituents." On the 13th of January, 1849, the Address was reported to the whole committee, and it was finally adopted, Jan. 22nd, nine days later.[4]

In response to this address and in pursuance of its proposed plans the first State convention was held in Jackson, Miss., May 7, 1849. However, this meeting was so poorly attended that the only action taken was to adjourn to the first Monday in October.

Prior to the May Mississippi meeting, Mr. Calhoun wrote certain significant letters to leading men in the various Southern States, which indicate clearly his interest in the movement and his influence on it.

In a letter to John H. Means, of South Carolina, April 13, 1849, he said:

"I am of the impression that the time is near at hand when the South will have to choose between disunion, and submission. I think so, because I see little prospect of arresting the aggres-

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[3] The following statement, made during the June session of the Nashville convention, is interesting:

"Governor Matthews, of Mississippi, then made an explanation in regard to the origin of the convention—stated that it originated at a county meeting in Mississippi, the proceedings of which had been sent to Mr. Calhoun, and elicited the letter of commendation from him which had been published in the papers. He pronounced the charge that Mr. Calhoun had originated the project, infamously false."—*Republican Banner and Nashville Whig,* June 13, 1850.

[4] Von Holst's *Constitutional History of the United States,* 1846-1850, pp. 417-22.

sions of the North. If anything can do it, it would be for the South to present with an unbroken front to the North the alternative of dissolving the partnership or of ceasing on their part to violate our rights and to disregard the stipulations of the Constitution in our favor: and that too without delay. * * * But it will be impossible to present such a front, except by means of a convention of the Southern States."

Mr. Hilliard M. Judge, of Alabama, on the 29th of April, replied to a letter from Mr. Calhoun, dated the 15th of March, in this language:

"Your suggestion as to the necessity of a convention of the Southern States is perfectly obvious. We can not get along any other way—the North will not be deterred from her course of wanton aggression by resolutions of the State legislatures, but let the legislatures first declare the principles and the people of the States can give them force and effect in convention."

To Andrew Pickens Calhoun, on the 24th of July, who was at the time in Alabama, he suggested the same plan, and asked whether Alabama might not be induced to make the call, adding that Atlanta would be a good point for the meeting.

In a letter to Col. Tarpley, of Mississippi, dated July 9, 1849, he said:[5]

"FORT HILL, *July 9, 1849.*

"DEAR SIR:

"I am greatly obliged to you for a copy of the proceedings of your meeting. I have read it with a great deal of pleasure.

"You ask me for my opinion, as to the course, which should be adopted by the State convention, in October next. I have delayed answering your letter until this time, that I might more fully notice the developments at the North, before I gave it. They are more and more adverse to us every day. There has not been a single occurrence, since the rising of Congress, which does not indicate on the part of the North a fixed determination to push the abolition question to the last extreme.

"In my opinion there is but one thing that holds out the promise of saving both ourselves and the Union: and that is a Southern convention, and that, if much longer delayed, cannot. It

[5] This letter is not in the collection edited by Prof. J. F. Jameson for the American Historical Association. It was published in many Southern papers in 1850. See *Republican Banner and Nashville Whig*, May 27, 1850; *also Nashville Free Whig*, June 1, 1850; *also see* Von Holst, *John C. Calhoun*, p. 327.

ought to have been held this fall, and ought not to be delayed beyond another year. All our movements ought to look to that result. For that purpose, every Southern State ought to be organized, with a central Committee, and one in each county. Ours is already. It is indispensible to produce concert and prompt action. In the mean time, firm and resolute resolutions ought to be adopted by yours and such meetings as may take place before the assembling of the Legislature in the fall. They, when they meet, ought to take up the subject in the most solemn and impressive manner. The great object of a Southern convention should be, to put forth in a solemn manner the causes of our grievances in an address to the other States, and to admonish them, in a solemn manner, as to the consequences, which must follow, if they should not be redressed, and to take measures preparatory to it, in case they should not be. The call should be addressed to all those who were desirous to save the Union and our institutions, and who in the alternative, should it be forced upon us, of submission or dissolving the partnership, would prefer the latter.

"No State could better take the lead in this great conservative movement than yours. It is destined to be the greatest of sufferers, if the abolitionists should succeed; and I am not certain, but by the time your convention meets, or at farthest, your Legislature, that the time will have come to make the call.

"With great respect, I am, &c.,

"J. C. CALHOUN."

As to Calhoun's influence in fostering the Southern convention, we have the testimony of Foote in a personal letter to Calhoun on Sept. 25, just five days before the Mississippi meeting was held:

"I am gratified to have it within my power to inform you that several leading gentlemen of both the two great political parties in Mississippi have promised me at our approaching convention to act upon your suggestion relative to the recommendation of a Southern convention."

This influence is further shown by a letter written to him by A. Hutchinson from Jackson, Miss., on Oct. 5, 1849, just after the Mississippi convention. He writes:[6]

"Two of your letters to General Foote were enclosed to me, to be used according to my discretion on the question of the crisis. That suggesting a Southern convention was shown by me to our

[6] *Correspondence* of J. C. Calhoun, p. 1206.

mutual friends Chief Justice Sharkey and Judge Clifton, who, although Whigs are well up to Southern rights. We adopted the idea with ardor, but all concurred in opinion, that if we should proceed on a course recommended from S. Carolina, we should fail. The idea of a Southern convention had previously occurred here—but you may well appreciate how much your opinion strengthened, confirmed and animated us. I dropped a note to Gen. Foote stating that it had occurred *in Mississippi* that a Southern convention was the important action required. You will understand this."

In conformity with the action of the May meeting, the Mississippi convention assembled at Jackson, October 1, 1849, and issued the call for a popular convention of the Southern States at Nashville in June, 1850. Before adjourning it adopted a vigorous set of resolutions,[7] of which the following is an extract:

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[7] The complete resolutions, with the exception of the long preamble, are as follows:

"1. *Resolved,* That we continue to entertain a devoted and cherished attachment to the Union, but we desire to have it as it was formed, and not as an engine of oppression.

"2. That the institution of slavery in the Southern States is left, by the constitution, exclusively under the control of the States in which it exists, as a part of their domestic policy, which they, and they only, have the right to regulate, abolish or perpetuate as they may severally judge expedient; and that all attempts, on the part of Congress, or others, to interfere with this subject, either directly or indirectly, are in violation of the constitution, dangerous to the rights and safety of the South, and ought to be promptly resisted.

"3. That Congress has no power to pass any law abolishing slavery in the District of Columbia, or to prohibit the slave trade between the several States, or to prohibit the introduction of slavery into the Territories of the United States; and that the passage by Congress of any such law would not only be a dangerous violation of the constitution, but would afford evidence of a fixed and deliberate design, on the part of that body, to interfere with the institution of slavery in the States.

"4. That we would regard the passage by Congress of the 'Wilmot Proviso,' (which would in effect, deprive the citizens of the slave-holding States of an equal participation in the Territories acquired equally by their blood and treasure,) as an unjust and insulting discrimination—to which these States cannot, without political degradation, submit; and to which this convention, representing the feelings and opinions of the people of Mississippi, solemnly declare they will not submit.

"5. That the passage of the Wilmot Proviso, or of any law abolishing slavery in the District of Columbia, by the Congress of the United States, would, of itself, be such a breach of the Federal compact as, in that event, will make it the duty, as it is the right of the slave-holding States, to take care of their own safety, and to treat the non-slave-holding States as enemies to the slave-holding States and their domestic institutions.

"6. That the legislature is hereby requested to pass such laws as may, in their opinion, be best calculated to encourage the emigration of citizens

"(7) That, in view of the frequent and increasing evidence of the determination of the people of the non-slave-holding States, to disregard the guaranties of the Constitution, and to agitate the subject of slavery, both in and out of Congress, avowedly for the purpose of effecting its abolition in the States; and, also, in view of the facts set forth in the late 'Address of the Southern Members of Congress,' this convention proclaims the deliberate conviction that the time has arrived when the Southern States should take counsel together for their common safety; and that a convention of the slave-holding States should be held

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of the slave-holding States, with slaves to the new Territories of the United States.

"7. That, in view of the frequent and increasing evidence of the determination of the people of the non-slave-holding States, to disregard the guaranties of the constitution, and to agitate the subject of slavery, both in and out of Congress, avowedly for the purpose of effecting its abolition in the States; and, also, in view of the facts set forth in the late 'Address of the Southern Members of Congress,' this convention proclaims the deliberate conviction that the time has arrived when the Southern States should take counsel together for their common safety; and that a convention of the slave-holding States should be held at Nashville, Tenn., on the first Monday in June next, to devise and adopt some mode of resistance to these aggressions; and that this convention do appoint twelve delegates and twelve alternates—being double the number of our Senators and Representatives in Congress—to attend such convention, and that the other slave-holding States be invited to appoint delegates agreeably to the same ratio of representation.

"8. That in the language of an eminent Northern writer and patriot—'The rights of the South in African service, exist not only *under but over* the constitution. They existed before the government was formed. The constitution was rather sanctioned by them, than they by the constitution. Had not that instrument admitted the sovereignty of those rights, it never would have been itself admitted by the South. It bowed in deference to rights older in their dates, stronger in their claim, and holier in their nature, than any other which the constitution can boast. Those rights may not be changed,—even by a change of the constitution. They are out of the reach of the nation, as a nation. The confederacy may dissolve and the constitution pass away, but those rights will remain unshaken—will exist while the South exists—and when they fall, the South will perish with them.'

"9. That to procure unity and promptness of action in this State, this convention recommends that a Central or State association be formed at the capitol, and affiliated county associations within the several counties of the State.

"10. That we recommend to the legislature of this State, that at its next session, a law be enacted, making it the duty of the governor of the State, by proclamation, to call a general convention of the State, and to issue writs of election based upon the ratio of representation in the State legislature, upon the passage by congress, of the 'Wilmot Proviso,' or any law abolishing slavery in the District of Columbia, or prohibiting the slave trade between the States, to take into consideration the act of aggression, and the mode and measure of redress.

"11. That a committee of six be chosen by the convention to prepare an address to the people of the slave-holding States."—*The Mississippian*, Jackson, Miss., Oct. 5, 1849.

at Nashville, Tenn., on the first Monday in June next, to devise and adopt some mode of resistance to these aggressions; and that this convention do appoint twelve delegates and twelve alternates—being double the number of our senators and representatives in Congress to attend such convention, and that the other slave-holding States be invited to appoint delegates agreeably to the same ratio of representation."

Also an address to the people of the South was drawn up and adopted, from which the following extracts are taken:[8]

"This controversy is a most alarming one to every lover of the Union—its blessings and glories. It is a dispute between fourteen States on the one side and sixteen States on the other side, or of fifteen on each side, if Delaware should fraternize with the South. Threats of force on either side can never settle the controversy by intimidation. The passions of the parties may be good servants, but are bad masters. Interest, justice, humanity, patriotism—the love of the Union, a sense of its great advantages and the evils of disunion—the spirit of a past generation of our common ancestors, who achieved our independence, framed the constitution, ratified it, and formed the Union—must come to the settlement of this question in all the States. * * *

"The Union must and will be preserved. The slave States, in resisting such dangerous and destructive usurpations of the Federal government, are defending the constitution and the Union. Their position is wholly defensive—defensive of their domestic relations, and their private rights of property—defensive of their laws, upon which these domestic relations and rights of property are founded—defensive of their social and political existence as States; defensive of the constitution and the Union—defensive of law, order and good government—of the right of the people to govern themselves, by governments and laws of their own making, throughout the world. It is a cause which cannot fall before the social philosophy.

"But should the non-slave States combine to enforce anti-reclamation acts, and continue to pass laws to prevent the extension of slavery into the Territories—should they further also attempt to abolish it in the District of Columbia, and in all places purchased for needful buildings in slave States—should they also attempt, by an amendment of the constitution, to abolish it in the slave States themselves—what protection have the slave States against these aggressions, and these dangerous usurpations of undelegated power, under a constitution by which they ought to be enabled both to protect themselves and possibly save the

[8] *Congressional Globe*, 31st Congress, 1st Session, p. 578.

Union? In discussing this subject, with a view to urge the States to ratify and establish the constitution, both Mr. Hamilton and Mr. Madison argued that the States, as organized communities, could successfully resist all such aggressions. * * *

"If the sixteen non-slave States (if Delaware be included,) because by accident they now exceed the number of the slave States by two, and can send a majority of four Senators to Congress, although the slave States, at the ratification of the constitution outnumbered them by eleven, and because, also, they accidentally by their population, have a larger share of representative power to enable them to secure a majority in the House of Representatives, and to elect a president—if, from these accidental advantages, they determine, by a sectional combination, to elect a majority of Free Soil and Abolition Senators and Representatives, and a Free Soil and Abolition president, and thus to make the Federal government an engine, step by step, to destroy slavery in the fourteen slave States—first, by excluding slavery from the Territories, in order that, by admitting new States into the Union, they may increase the number of non-slave States to three-fourths; second, to abolish slavery in the District of Columbia, or in all places where Congress may exercise exclusive legislation; and lastly, to consummate the course of tyranny and usurpation by a change of the constitution, and the delegation of an express power to abolish slavery in all the slave States—what means of resistance have the fourteen slave States to secure their domestic relations, their porperty, their equality of rights, guaranteed to be inviolable by their constitutional bill of rights, and their existence and independence as sovereign States, and equal members of the confederacy? If the alternative presented by the non-slave States be a dissolution of their union with the slave States, or the abolition of slavery in the slave States, either side of this alternative is a dissolution, because, if the slave States submit to it, they cease to exist as States and as sovereign parties of the Union. Resistance to such usurpations, is their moral, social, and political duty."

Of Mississippi's action Mr. Calhoun wrote to Andrew Pickens Calhoun, on Oct. 22, 1849:

"Mississippi has acted well on the slave question, and I hope Alabama and every other Southern State will back her and send delegates to Nashville. It is all important that they should. Bad would be our condition if the convention should fail for want of backing; but bright our prospects should there be a full meeting."

Some sort of action with reference to the convention was taken

in various Southern States, following the Mississippi convention of October 1, 1849. A majority of the State legislatures passed resolutions endorsing it, and in most instances authorizing some plan of representation. However, there was little regularity in the methods of selecting delegates. As shown above, Mississippi's October convention appointed delegates. But on the 20th of March following, the legislature met in joint session and for some unknown reason chose other delegates. This action caused considerable dissatisfaction, especially among members of the Whig party.[9] A protest was entered, signed by twenty-seven members of the legislature, in which they alleged that the majority had overstepped their authority. In imitation of the method of choosing delegates to a national convention, they selected delegates upon a basis of two for each representative in Congress, making four from the State at large, and two from each congressional district.

In Alabama and South Carolina, the State legislatures passed resolutions endorsing the issue as proposed by Mississippi, and providing for the election of delegates. Later, in Alabama, a great deal of harsh criticism was provoked in the ranks of the Whig party, because, as they claimed, the legislature had usurped the privilege of the people.[10] In order to pacify these murmurings and to unite the two parties, the legislature subsequently

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[9] The *Vicksburg Whig* has this to say of the attitude of the Whigs toward the action of the State legislature:

"Nearly all the Whigs of that body have placed on record their solemn belief that as the October convention pledged the people to abide by the Nashville convention, it must be peculiarly appropriate to permit the people to have some direct agency in the appointment of delegates."

[10] Mr. Hilliard, a prominent Alabamian of Whig sympathies, opposed the convention in a letter to a friend. He said:

"As to the Nashville convention, my opinion, as things now stand, is against it. I adhere to the position taken by me last summer—that no convention ought to be held in *advance* of some act of aggression on the part of the government. The most the legislature should have done, was to agree upon some clear, sensible firm resolution upon the subject, and empower the government, in the event of an aggression, to call a convention of *the people* to consider the question in all its bearings: the wrong, the remedy.

"I quite agree with you that there was no authority on the part of the legislature to appoint delegates. Our friends ought not to connect themselves with it.

"We shall settle the question, California will be admitted and the other portions of the Territory organized into governments without the *Proviso.*"—*Republican Banner and Nashville Whig,* April 23, 1850.

empowered the governor to call conventions in the various counties of the State in order that the people might approve or disapprove the action of the legislature. These meetings were usually well attended, and, almost without exception, endorsed the methods and candidates of the legislature.

The Georgia legislature passed resolutions in the latter part of March, or early in April, wherein they endorsed the convention and empowered the governor to hold elections for the selection of delegates. In these resolutions they declared the proposed admission of California would be a good and sufficient reason why the Union should be dissolved. Mr. Toombs himself repudiated this feature. At the elections held soon after, although a majority of the counties that held them voted for the convention, not more than one-twentieth of the State's entire vote was polled.[11]

In Florida, the governor was invested with the power of appointment by the legislature, which also endorsed the plan. It is interesting to note that Gov. Brown, in reply to a letter from the Florida delegation in Congress, prior to the action of the legislature, urging him to exert his influence to have delegates appointed, refused on the ground that the plan was of a revolutionary character. He advocated, he said, constitutional methods of redress for all wrongs, and suggested that the South might obtain justice through the supreme court in case of any infringement of rights.

The North Carolina method, so far as it was carried out, seems to have been for each congressional district to meet in convention and elect two delegates to the Nashville convention;

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[11] The *Republican Banner and Nashville Whig* of June 21, 1850, quotes from the Augusta *Chronicle* the following:

"In glancing over the delegation from Georgia, we felt some curiosity to see how many voters they represented, and therefore addressed ourselves to the investigation, by which we ascertained the following results: Messrs. McDonald and Colquitt, were appointed by the legislature, and may, therefore, be regarded as representing that body. Of the others in attendance, Messrs. Benning, Crawford, Gibson and Fouche were elected by the people of their respective Congressional districts, and received in the aggregate 2,409 votes, whom they may be considered as representing. The remaining four are appointees of Governor Towns, and may be supposed to represent his Excellency. Georgia numbers probably one hundred thousand voters, and yet these men who receive less than *one-fortieth* part of them, assume to represent her in this assembly."

and to elect six delegates from each county, who should assemble at Raleigh to elect four delegates from the State at large.

The Virginia resolutions, adopted by the legislature on the 4th of February, looked upon the proposed Nashville convention as a body to consult and to advise what action should be taken in case of any interference with slavery. In case the Wilmot Proviso should be passed, the governor was authorized to call a State convention which should be empowered to select delegates to a Southern convention. Nevertheless public meetings were held in many counties to elect delegates. Madison, Jefferson, Westmoreland, King George, Princess Anne counties elected delegates. In Richmond and Albemarle counties the convention element was defeated. In Albemarle, immediately after the regular meeting adjourned, those who favored the convention met and appointed seventeen delegates to their district convention. Mr. Stevenson, late minister to London, presided at this meeting.[12] There was little or no sympathy with the movement in Western Virginia. T. Hayman, of Virginia, declared in the house of representatives, May 21, "Sir, the effort to get up meetings to send delegates to the Nashville convention has been almost an entire failure in Virginia."[13]

The general assembly of Tennessee passed resolutions of endorsement, and provided for the appointment of delegates by the governor in the ratio of two for each representative in Congress. This law was killed, however, by the Whig senate. The citizens of Davidson county held a convention in the city of Nashville, at which the convention element was voted down, and the meeting seems to have ended in a split.[14] The minority, which favored a convention, then met behind closed doors, passed the resolution offered at the former meeting, and selected delegates to attend the convention.

On Feb. 27, 1850, Mr. Anderson, of Kentucky, introduced in the legislature resolutions favorable to the convention, which were killed by a vote of 26 to 9.

In compliance with the law passed by the Texas legislature,

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[12] *Republican Banner and Nashville Whig*, April 19, 1850.

[13] *Congressional Globe*, 31st Congress 1st Session, appendix, p. 599.

[14] *Nashville True Whig*, May 7, 1850.

elections were held in eastern and western Texas for the selection of delegates. Very little interest was manifested in the matter.

Thus recognition of some character, generally by their legislatures, was almost universal through the South during the fall of 1849 and the spring of 1850. The delegates were given no definite instructions by those whom they represented, but were left to exercise their own judgment as to what action they should take. The acts of the convention were not intended to be final or to have any binding force. But it was to consult, to advise, and to recommend, leaving to the people of the States concerned the privilege of adopting or rejecting the results of its deliberations.

The convention held two sessions. For convenience, they may be designated the session before and the session after the compromises of 1850. When the first session adjourned, Mr. Clay's famous Omnibus Bill, afterwards known as the Compromises of 1850, was pending in Congress. These measures were passed before it reassembled.

The convention met at Nashville, June 3rd, 1850. Representatives from only nine States were present, although others had been appointed. They were as follows: Virginia, six; South Carolina, seventeen; Georgia, twelve; Mississippi, eleven; Texas, one; Alabama, twenty-one; Arkansas, two; Florida, six; and a large number from Tennessee.[15]

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[15] The *Republican Banner and Nashville Whig*, of June 5 and 6, 1850, gives the following list of delegates to the Nashville convention. It seems to contain some names twice and probably contains some misprints; but it is given precisely as it appeared.

VIRGINIA DELEGATES:

Willoughby Newton, R. H. Claybrook, Wm. F. Gordon, W. O. Goode, Thos. S. Gholson and Beverly Tucker.

SOUTH CAROLINA DELEGATES:

L. Cheves, R. W. Barnwell, J. H. Hammond, Samuel Otterson, Jno. A. Bradley, J. W. Whitner, A. C. Young, Maxey Gregg, James Chestnut, Jr., W. J. Hanna, R. F. W. Alston, F. W. Pickens, Drayton Nance, Geo. A. Trenholm, Wm. DuBose, D. F. Jamison, and R. Barnwell Rhett.

GEORGIA DELEGATES:

Hon. Walter T. Colquitt, Hon. Chas. J. McDonald, Col. H. N. Benning, M. J. Crawford, Esq., Obediah C. Gibson, Esq., Jas. W. Ramsey, Obediah Warner, Simpson Fouche, Gen. Robert Bledsoe, Andrew H. Dawson, Dr. Jno. G. McWhertor.

ALABAMA DELEGATES:

Gov. B. Fitzpatrick, Jno. A. Campbell, Jno. A. Winston, L. P. Walker,

The meeting[16] was formerly called to order by Gov. A. V. Brown, of Tennessee. Judge William L. Sharkey,[17] of Mississippi, was elected president by acclamation. Hon. Charles J.

Nicholas Davis, Jas. Abercrombie, W. M. Murphy, S. B. Bethea, B. Boykin, G. W. Guyon, S. Buford, R. Shorter, Geo. Goldthwaite, J. S. Hunter, Daniel Coleman, Wm. Cooper, R. Chapman, Thos. A. Walker, G. S. Walden, Jno. L. Erwin, W. M. Byrd.

MISSISSIPPI DELEGATES:

Judge Wm. L. Sharkey, C. P. Smith, A. M. Clayton, J. W. Mathews, T. J. Word, J. L. Neil, J. J. Pettus, J. J. McRae, E. C. Wilkinson. inson.

TEXAS DELEGATE:

Gen. J. P. Henderson.

ARKANSAS DELEGATE:

J. Powell.

FLORIDA DELEGATES:

Jas. Hernandez, B. M. Pearson, A. J. Forman, O. H. DuPont, J. F. McClellan, G. E. Cabel.

TENNESSEE DELEGATES:

Col. R. Warner, R. Jones, W. A. Sewell, F. W. Brents, Howell Taylor, Jas. L. Green, Thos. Shepard, Gen. W. Hall, Wm. B. Bate, E. Broddie, Geo. W. Allen, G. W. Winchester, Gen. D. Donelson, G. W. Bond, Isaac M. Gower, Boling Gordon, S. B. Moore, Edward Gantet, J. W. Whitfield, B. B. Satterfield, G. B. Fowlkes, Jas. Patterson, T. J. Kennedy, A. Ezell, Geo. T. Malone, F. T. McLauren, Geo. Everly, Thos. Buford, Col. Jno. Dergan, D. R. S. Nowlin, N. Y. Cavett, J. E. R. Ray, Jno. Poindexter, H. L. Johnson, D. P. F. Norflett, Wm. Overton, Jas. H. Estill, C. C. Garner, W. E. Venable, H. R. Estill, Thos. Jackson, Gen. G. J. Pillow, Wm. K. Polk, W. J. Strayham, G. R. Gantt, A. J. Porter, W. C. Whitham, C. J. Dickinson, Jas. Walker, F. Watkins, Robert G. Payne, Patillo, Patton, R. A. L. Wilkes, C. Polk, R. D. Casey, Thos. H. Hopkins, W. P. Rowles, Wm. B. Hall, Wm. Moore, A. W. Overton, A. Ferguson, Gen. Robert Armstrong, Gov. A. V. Brown, A. O. P. Nicholson, V. K. Stevenson, Wm. Williams, Dr. Jno. Maxey, J. J. B. Southall, Jno. McIntosh, Dr. J. N. Esselman, Andrew J. Donelson, Willo Williams, Jacob McGavock, Daniel Graham, A. W. Johnson, Andrew Jackson, W. F. Watkins, Frank McGavock, Gen. W. G. Harding, Thos. Claiborne, L. P. Cheatham, W. E. Owen, M. Barrow, W. B. Shepherd, Gen. E. W. Hickman, L. Hunter, H. Atkinson, J. B. Clements, T. D. Moseley, F. Robertson, Gen. Daniel Donelson, Westley H. Humphreys, Geo. W. Buchanan, Jno. T. Neil, Samuel Doke, Sam H. Whitham, Geo. M. Cunningham, E. L. Paget, J. M. Quarle, R. F. Eupton, Jno. Stephens.

On the third day, the following new names were enrolled: From Arkansas, Ex-Governor Sam C. Roane; from Alabama, Thos. J. Judge.

The following delegates' names were stricken from the list not being present on June 5th: Gen. Robert Armstrong of Tennessee; Jos. N. Fernandez; E. C. Cabel, of Florida.

[16] The proceedings of the convention are fully reported in the Nashville papers, especially the *Republican Banner* and *Nashville Whig*. The reader is referred to these files as the authority for all statements unless other reference is specifically given.

[17] Wm. L. Sharkey was chief justice of Mississippi. He was one of the leaders in the convention of his State that called the Nashville convention.

McDonald,[18] of Georgia, was chosen vice-president. The convention next undertook the examination of the credentials of all delegates, after which they took their seats.

The question of the ratio of representation in voting provoked much discussion. There was a strong sentiment in favor of voting by States, each State counting equally. This method was finally adopted.

A resolution, introduced by Gov. Brown, of Tennessee, was adopted, which provided that each State delegation should choose two of its members to serve as a committee on resolutions, and that they might report on any other matter that they thought necessary. The members of this committee were. Messrs. Newton and Gordon, of Virginia, McDonald and Benning, of Georgia, Barnwell and Hammond, of South Carolina, Murphy and Campbell of Alabama, Boyd and Clayton, of Mississippi, Henderson, of Texas, Forman and Pearson, of Florida, Brown and Nicholson, of Tennessee, Roane and Powell, of Arkansas. Gordon, of Virginia, was elected chairman.

In taking the chair, Judge Sharkey addressed the convention. He made an earnest appeal for harmony, and insisted that they should adopt courageous but conservative measures, and bear constantly in mind the great object for which they were assembled, namely, the perpetuation of the Union in its original purity.

The session continued ten days, and during that time many resolutions and measures were proposed. These were freely discussed; after which they were referred to the committee on resolutions. The committee's draft of the resolutions was submitted late in the session, and was read before the convention by Mr. John A. Campbell, of Alabama. They were essentially those earlier proposed by him. With a few minor changes, they were unanimously adopted.

The same committee prepared and submitted along with the resolutions an address to the people. This was finally adopted, although some opposition was manifested, especially to the part that opposed specifically the compromise measures.

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[18] McDonald was elected governor of Georgia in 1839 and reëlected in 1841 by the Union party. In 1851, he became the candidate of the Southern Rights party, but was defeated by Howell Cobb of the Union party.

So far as evinced by the report made, the entire proceedings, speeches, resolutions, etc., of the several States, were thoroughly harmonious upon the main issues to be considered, namely, the absolute equality of the States; the doctrine of State sovereignty; the right of a State to settle its own domestic relations and shape its own policy toward the institution of slavery; and the right of each State to an equal participation in, and protection of its property in all national territory. The Missouri line of compromise was regarded as a generous concession from the Southern States, but acceptable as the price of peace, in default of their just claims. No threats were made in anticipation of the defeat of their demands, but simply a provision for the reassembling of the convention after Congress had adjourned, to devise further and effective means of redress in that event. The following are the resolutions in full, as adopted:

"1. *Resolved*, That the Territories of the United States belong to the people of the several States of this Union as their common property. That the citizens of the several States have equal rights to migrate with their property to these Territories, and are equally entitled to the protection of the Federal government in the enjoyment of that property so long as the Territories remain under the charge of that government.

"2. *Resolved*, That Congress has no power to exclude from the territory of the United States any property lawfully held in the States of the Union, and any act which may be passed by Congress to effect this result is a plain violation of the constitution of the United States.

"3. *Resolved*, That it is the duty of Congress to provide proper government for the Territories since the spirit of American institutions forbids the maintenance of the military government in time of peace, and as all laws heretofore existing in Territories belonging to foreign powers which interfere with the full enjoyment of religion—the freedom of the press—the trial by jury and all other rights of persons and property as secured or recognized in the constitution of the United States are necessarily void so soon as such Territories become American Territories, it is the duty of the Federal government to make early provisions for the enactment of those laws which may be expedient and necessary to secure to the inhabitants of, and emigrants to, such Territories the full benefits of the constitutional rights we assert.

"4. *Resolved*, That to protect property existing in the several States of this Union, the people of these States invested the Federal government with the powers of war and negotiation, and of

sustaining armies and navies, and prohibited to the State authorities the exercise of the same powers. They made no discrimination in the protection to be afforded or the description of the property to be defended, nor was it allowed to the Federal government to determine what should be held as property. Whatever the States deal with as property, the Federal government is bound to recognize and defend as such. Therefore, it is the sense of this convention that, all acts of the Federal government which tend to denationalize property of any description recognized in the constitution and laws of the States, or that discriminate in the degree and efficiency of the protection to be afforded to it, or which weaken or destroy the title of any citizen upon American Territories are plain and palpable violations of the fundamental law under which it exists.

"5. *Resolved,* That the slave-holding States cannot and will not submit to the enactment by Congress of any law imposing onerous conditions or restraints upon the rights of masters to remove with their property into the Territories of the United States, or to any law making discriminations in favor of the proprietors of other property against them.

"6. *Resolved,* That it is the duty of the Federal government plainly to recognize and firmly to maintain the equal rights of the citizens of the several States in the Territories of the United States, and to repudiate the power to make a discrimination between the proprietors of different species of property in Federal legislation. The fulfillment of this duty by the Federal government, would greatly tend to restore the peace of the country and to allay the exasperation and excitement which now exist between the different sections of the Union. For it is the deliberate opinion of this convention that the tolerance Congress has given to the notion that Federal authority might be employed incidentally and indirectly to subvert or weaken the institutions existing in States confessedly beyond Federal jurisdiction and control, is a main cause of the discord which menaces the existence of the Union and which has well-nigh destroyed the efficient action of the Federal government itself.

"7. *Resolved,* That the performance of this duty is required by the fundamental law of the Union. The equality of the people of the several States composing the Union, cannot be disturbed without disturbing the frame of the American institutions. This principle is violated in the denial of the citizens of the slave-holding States of power to enter into the Territories with the property lawfully acquired in the States. The warfare against this right is a war upon the Constitution. The defenders of this right are defenders of the constitution. Those who deny or impair its exercise are unfaithful to the constitution, and if disunion follows the destruction of the right, they are the disunionists.

"8. *Resolved,* That the performance of its duties upon the principles we declare, would enable Congress to remove the embarrassments in which the country is now involved. The vacant Territories of the United States, no longer regarded as prizes for sectional rapacity and ambition, would be gradually occupied by inhabitants drawn to them by their interests and feelings. The institutions fitted to them would be naturally applied by government formed on American ideas and approved by the deliberate choice of their constituents. The community would be educated and disciplined under a republican administration in habits of self-government, and fitted for an association as a State, and to the enjoyment of a place in the confederacy. A community so formed and organized, might well claim admission to the Union and none would dispute the validity of the claim.

"9. *Resolved,* That a recognition of this principle would deprive questions between Texas and the United States of their sectional character, and would leave them for adjustment without disturbance from sectional prejudices and passions, upon considerations of magnanimity and justice.

"10. *Resolved,* That a recognition of this principle would infuse a spirit of conciliation in the discussion and adjustment of all the subjects of sectional dispute, which would afford a guarantee of an early and satisfactory determination.

"11. *Resolved,* That in the event a dominant majority shall refuse to recognize the great constitutional rights we assert, and shall continue to deny the obligations of the Federal government to maintain them, it is the sense of this convention that the Territories shall be treated as property and divided between the sections of the Union, so that the rights of both sections were adequately secured in their respective shares. That we are aware this course is open to grave objections, but we are ready to acquiesce in the adoption of the line 36 degrees 30 minutes north latitude, extending to the Pacific ocean as an extreme concession upon considerations of what is due to the stability of our institutions.

"12. *Resolved,* That it is the opinion of this convention that this controversy should be ended, either by a recognition of the constitutional rights of the Southern people, or by an equitable partition of the Territories. That the spectacle of a confederacy of States, involved in quarrel over the fruits of a war in which the American arms were crowned with glory, is humiliating. That the incorporation of the Wilmot Proviso in the offer of settlement, a proposition which fourteen States regard as disparaging and dishonorable, is degrading to the country. A termination to this controversy by the disruption of the confederacy or by the abandonment of the Territories to prevent such a result, would be

a climax to the shame which attaches to this controversy, which it is the paramount duty of Congress to avoid.

"13. *Resolved,* That this convention will not conclude that Congress will adjourn without making an adjustment of this controversy, and in the condition in which the convention finds the question before Congress, it does not feel at liberty to discuss the methods suitable for a resistance to measures not yet adopted, which might involve a dishonor to the Southern States."

The address was styled, "An Address to the People of Maryland, Virginia, North Carolina, South Carolina, etc.," naming all the Southern States. This lengthy, exhaustive, and logical document was written by Mr. R. B. Rhett, of South Carolina, a leader of acknowledged ability in his State, and an extremist on Southern rights. It gave first an historical review of the increasing aggressions of the North. It asserted that the South was reviled by the North on account of slavery, and that its condition in the Union was growing from bad to worse. The different measures of the compromise were severally taken up, and thoroughly criticized. With the single exception of the Fugitive Slave law, they were condemned in no uncertain terms. The address, in conclusion, however, declared in favor of reasonable and adequate compromise, urging that the Missouri line be extended.

Referring to the bill to admit California it said:[19]

"The South is excluded by the bill from the whole of that part of California lying on the Pacific, including one hundred and fifty thousand square miles of territory; and if this be done by the legislation of Congress, the mode in which it is done, is of no importance. California belongs to the United States, and all action by the individuals in that Territory, whether from the United States or from the rest of the world, appropriating the soil to themselves or erecting a government over it, is of no validity. They constitute a people in no proper sense of the term; but are citizens of the States or countries from which they have come, and to which they still owe their allegiance. When, therefore, Congress attempts to carry out and confirm the acts of these individuals, erecting California into a State and excluding slavery therefrom, it is the same thing as if Congress had originally passed a law to this effect, without the intervention of these individuals. The exclusion of slavery from California is done by the act of Congress, and by no other authority. The constitution

[19] *Republican Banner and Nashville Whig,* June 13, 1850.

of California becomes the act of Congress; and the Wilmot Proviso it contains, is the Wilmot Proviso passed and enforced by the legislation of Congress. Here then, is that exclusion from this territory by the act of Congress, which almost every Southern State in the Union has declared she would not submit to, plainly and practically enforced by this bill. A free people cannot be satisfied with the mode in which they are deprived of their rights; a sovereign State will disdain to enquire in what manner she is stripped of her property, and degraded from an equality from her sister State. It is enough, that the outrage is done. The mode is of little consequence."

In regard to the partition of Texas it continued:

"The next measure is in perfect keeping with this first feature of 'the report.' It takes from Texas, territory sufficient for two large States, and adds them to New Mexico. What the bill contains with respect to slavery will be of little consequence; for it is designed that next winter New Mexico thus constituted, shall follow the example of California, and be admitted as a State with a constitution excluding slavery from its limits—for without such exclusion she cannot hope to be admitted by the non-slaveholding States into the Union. The effect will be that territory, over which slavery now exists, equal to two States will be wrested from the South, and will be given up to the non-slaveholding States. The pretext is, that there is some doubt as to the boundaries of Texas. Texas by her laws, when she was admitted into the Union, had but one boundary towards the West, and that boundary was the Rio Grande. Congress in the resolutions admitting her into the Union recognized this boundary, by laying down a line of limitation between the slaveholding and non-slaveholding States—(being the Missouri compromise line of 36 degrees 30 minutes parallel of north latitude)—through that very part of her territory, her right to which is now questioned. Her boundary of the Rio Grande to its source alone gave her this country; and was thus recognized and ratified by the resolutions of annexation. To vindicate this boundary for Texas, as a member of the Union the Mexican war took place; and in the treaty of Gaudalupe Hidalgo, it was finally vindicated and settled by a clause in the treaty, designating the Rio Grande as the boundary between Mexico and the United States. Thus, by the laws of Texas, by the legislation of Congress, and by a solemn treaty of the United States, the Rio Grande is the western boundary of Texas. Yet the pretention is set up, that her territory does not extend to within three hundred miles of the Missouri compromise line, where Congress in receiving her into the Union determined that her territory should be divided between the slaveholding and

non-slaveholding States. Texas is the only State in the Union which has the solemn guarantee of the government of the United States in every possible form to her boundaries. Yet this is the government which disputes them; and under the pretext that they are very doubtful, proposes to take from her nearly one-half of her territory It is by virtue of such pretensions, that by the bill two States are to be taken from the Southern and given to the Northern States; and this wrong is aggravated by compelling us to pay for it, through the Treasury of the United States.

"It is undoubtedly proper, that Texas should be quieted as to her boundaries; but she should be quieted by a law of Congress, plainly acknowledging them. If after her boundaries are settled the general government, to carry out the purposes of the constitution, or in good faith to fulfil all the obligations, the annexation of Texas to the Union requires, should think proper to purchase any territory from Texas, the arrangement may be unobjectionable."

It then proceeded to discuss the bill to abolish the slave trade in the District of Columbia, as follows:

"No one can suppose that Maryland and Virginia, slaveholding States then and slaveholding States now, could have designed to give Congress any power over the institution of slavery in this territory. Independently of the wrong to the people of the District, to emancipate their slaves, it would be an intolerable evil to have a District between them, where emancipation prevails by the authority of Congress. Congress, in the bill reported as a part of the so-called compromise, now begins the work of the emancipation by declaring that if any slave is brought into the District for sale, he shall be 'liberated and free.' If a slave is liberated because he is *brought into the District,* the next step, to liberate him because he *is in the District,* is not difficult."

In regard to the Fugitive Slave bill it said:

"If these authorities do not enforce the requirements of the constitution, and aid in the recapture and recovery of fugitive slaves, Congress can do but little to enforce them. The bill providing for the co-operation of the few officers of the United States government in a State, is practically quite insufficient to accomplish its aim.

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"The bill then, is, in the first place, quite inadequate to restore to us our fugitive slaves, and in the second place, gives the South nothing but what she is entitled to. If this was all, there would be nothing in the bill for which we should concede anything to the North. But it is not all. Under the pretext of bestowing on

us a benefit, it perpetrates a usurpation on the reserved rights of the States. It provides that a slave may arraign his master, by the authority of laws made by Congress, before the courts of the States and of the United States, to try his right to his freedom. If Congress can legislate at all between the master and slave in a State, where can its power be stayed? It can abolish slavery in the States. Thus a power is assumed in the bill, which virtually extends the jurisdiction of Congress over slavery in the States."

Finally it suggested compromise:

"Three times in Congress during this controversy, the South has proposed the Missouri compromise, which has been three times rejected by the North. Twice she has proposed a compromise by which she consented to leave it to the courts of the United States to determine her rights. Instead of requiring sternly their recognition by Congress, fifteen sovereign States have consented to be carried into the courts of the country, and there to submit their rights in a territory belonging to them, to their final arbitrament. Their humiliation did not win the respect or confidence of the North and the proposition was twice rejected.

"The South in our opinion, might accept one other compromise, not because it is co-extensive with our rights, but because it has been twice sanctioned by those who have gone before us. If the North offers the Missouri compromise, to extend to the Pacific Ocean, the South cannot reject it, provided, a distinct recognition of our right to enter the territory south of 36 degrees 30 minutes north latitude, is expressed in the compromise. We should take this line, as a partition line between the two sections of the Union; and beyond this, nothing but what the constitution bestows."

As stated above, the delegates were not a unit in their endorsement of the address.[20] The committee was divided and, being unable to compromise their differences, a minority report was submitted, which caused some excitement in the convention. The opposition came principally from the representatives of the Whig

[20] "When Mr. Hammond took his seat, the previous question was called, and sustained. The main question was then put and the address adopted unanimously by States, the amendments being cut off.

"Mr. Abercrombie then moved that the States be called, that those who were opposed to portions of the address might record their votes in the negative.

"The call was made accordingly, and Messrs. Abercrombie, Davis, Murphy, Judge, Byrd, and Hunter, of Ala.; Gholson, of Va.; Foreman, of Fla., and Sharkey, of Miss., recorded their votes in the negative."—*Republican Banner and Nashville Whig*, June 13, 1850.

party. They simply stated their reasons for not supporting the address, however, without entering any protest. These were: First, because the convention had given them no authority to prepare an address, but simply report resolutions; and second, that they themselves were not prepared to say that the impending compromises might not be so altered as to make them acceptable.

After a continuous session of nine days the convention adjourned, June 12, 1850. In the event of failure on the part of Congress to comply with their demands, it was agreed they should reassemble on the sixth Monday after Congress had adjourned, or at such a time after Congress had acted as the president might appoint. The proceedings and spirit[21] of the first session were firm, manly, and dignified. Throughout the Southern States, conventions and public meetings[22] were held, at which the action

[21] The *Nashville True Whig*, of June 18, 1850, says:

"We have been led to these reflections by the action of the so-called Southern convention, convened in this city, and the spirit in which it has been received in this immediate community. We have no sympathy with the movement. We regarded it from the beginning as unwise and inauspicious—as a dangerous, and at the same time, an inefficient remedy in itself for the grievances of which we complain—as we shall show it to be in the end. But whatever may be said of its impolicy, or its unauthorized and unconstitutional character, or the old heresies of nullification and secession which it has put forth in all their odiousness, it embodied a very large amount of talent, eloquence and learning, it was composed of individuals of extensive popular influence in nine of the Southern States, its deliberations were conducted with marked ability, and indicated throughout a thorough determination on the part of the large majority, to carry out, in spirit and in letter, the purport of their published proceedings."

[22] The *Alabama Journal*, July 23, 1850, gives the following account of a ratification meeting in Montgomery, Alabama:

"In accordance with a notice which had been given in all the papers of the city, a large and intelligent meeting of the citizens of the county and city of Montgomery, assembled at the court house, to ratify and approve the action of the Nashville convention.

"Mr. Goldthwaite commenced by giving a full account of the convention and its proceedings. He passed a high encomium on the abilities and patriotism of Judge Tucker, of Virginia. Langdon Cheves, the favorite son of South Carolina, from the generation of a former age, around whose venerable brow clustered the honors of more than half a century's devotion to the cause of his country, and upon whose head had fallen the snows of eighty winters, was there to lend to their councils the wisdom of experience and the dignity of age. Mississippi was there represented by her learned chief justice, and other distinguished citizens, as firm in the councils as they had ever been gallant in the field; and so on of the rest. He traced the unjust and unconstitutional action of the North from the ordinance of 1787 down to the present time—their entire faithlessness in observing the constitution as well as the legislative compromises which they forced upon the South. The associated and affiliated abolition presses slavery in the States. Urged on by a blind and bigoted fanaticism, they

of the convention was endorsed.[23] Occasionally, however, the address met with some opposition.

The second session convened at Nashville, November 11, 1850. In the meantime, Congress passed the famous compromise measures. President Sharkey[24] did not issue a call for a second meeting of the convention.

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claim a dignity and a religion higher and purer than that of Christ, and a political conscience above the constitution. All this they claim for the purpose of supporting those insurrectionary movements, which will spare neither helpless infancy nor heary age.

"The Missouri Compromise was offered in the convention as an extreme concession—this had been in effect rejected by the Senate of the United States, which offered only another indication and an additional proof of the urgent necessity for prompt and efficient Southern organization."

[23] The *Republican Banner and Nashville Whig*, July 2, 1850, contains the following account of a speech by Mr. Rhett at Charleston, S. C.:

"He declared the Federal government to be a failure, so far as the South was concerned; and frankly and boldly unfurled the flag of disunion, as the only refuge of the South, and as offering her not only a release from the fetters of a faithless and oppressive Confederacy, but as calculated to crown her with prosperity and glory. Nay, he even went so far as to contend that, if every Southern State should quail and cower in the existing crisis, South Carolina alone should make the issue, and either live free or perish with honor. He undertook to maintain the paradox (to use his own language) of 'proving to freemen that they were not free'; and went on to establish the propositions that the people of the South, under the workings of our present system of government were slaves. 1. In respect of Federal taxation; 2. In respect of Federal expenditures; and 3. In respect of their peculiar domestic institutions. He showed that the Nashville convention had done much; contrary to the evil vaticinations of its enemies and the acknowledged apprehensions of its friends. It had met—the South had at length dared to meet, and, with great unanimity, had proposed the Missouri line—not, however, on the old principle of positively inhibiting slavery North, and admitting or excluding it South of the line, as the people of the region should decide, on their coming into the Union as States, but with a positive recognition of slavery South of the line, as an equivalent for its exclusion North of the line. The proposition was therefore for a partition of the disputed Territory, between the North and South, adapted to the circumstances of the case. The old Missouri compromise was applied to slaveholding territory—the new compromise is to be applied to non-slaveholding territory—and hence the reason and necessity of the change. He was frank and candid enough, however, to avow that the idea of effecting an adjustment, on that basis, was utterly hopeless—the North would never assent to it."

[24] Judge Sharkey does not seem to have had very firm convictions as to what was the wisest policy. Personally he believed in the justice of the full Southern claims. He did not think that these were granted by the compromise measures; but he did not consider it wise to insist on more than could be obtained, nor to advocate more than Southern public opinion could agree upon.

Before the first session of the Nashville convention met, he became discouraged, and wrote to Senator Foote:

"We must take things as they are, and not as we would have them, and shape our conduct according to exigencies. It would have been

But as the former meeting had decided upon a day for assembling, the president's call was regarded as a mere matter of formality, and preparations were made for the second session. New delegates were appointed by the State legislatures or conventions of the people in some instances, while in others the old ones were sent and the vacancies filled.

The body reorganized on motion of Gen. Gideon J. Pillow, by calling the former vice-president, Governor McDonald, of Georgia, to the chair. On the following day, Tuesday, he was unanimously elected to the presidency by acclamation. Hon. Reuben

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folly to have insisted on what you and I may regard as strictly Southern rights. Nothing could have been obtained by that course. If the compromise can be adopted, our honor at least is safe. Indeed, it secures the principle for which we have been contending. The mass of the Southern people would be content with it. True it does not suit all men. * * * Could you do anything that would please all even of your own party? I think not. Ultra men can never be pleased. * * * Take my word for it, conservative men will aprove your course. The Whigs generally approve it, and the moderate men of your own party. In short, I think it will be approved by the people."—*Republican Banner and Nashville Whig,* June 15, 1850.

After the first session met and showed some vigor, he changed his mind. On June 21, he wrote to the editor of the *Southron.* Referring to his letter to Foote, he said:

".....The letter was written at a time when it was believed my me, as well as by others, not only here but elsewhere, that the convention movement would result in total failure. Some of the states had declined to appoint delegates; it was believed the delegates appointed by others would not attend, and everywhere great opposition was manifested toward the measure. It seemed impossible to rally the South in vindication of her rights. The advice from Washington City seemed to dispel any hope of a creditable convention, and a failure could have no other effect than to encourage aggressions on the South. It was also believed that the compromise was the best that could possibly be obtained; so, indeed, I was distinctly informed. Under such circumstances I wrote the letter referred to, in reply to one which contained but a syllabus of the compromise, not having seen the details of the measure. But, in expressing that opinion, I did not intend to admit that the South was entitled to nothing more. My opinions on the subject of her rights are too well known, I trust, to be the subject of doubt. I repeatedly declared that the South was entitled to an equal portion of the new territories. Since that letter was written the Nashville convention has met. Its enemies have been disappointed and its friends gratified. It is now seen that the South is alive to her interests and her rights.....

I trust the whole South will unite, in a spirit of firm determination, to insist upon the line of compromise which we have recommended. This shall be my course and I hope by pursuing it to accomplish the preservation of the union unimpaired."—The Eufaula *Democrat,* July 2, 1850.

For some reason he seems to have changed his mind again and determined to take no part in the second session.

Chapman, of Alabama, was chosen vice-president at the same time. President McDonald on taking the chair addressed the convention in a short but eloquent appeal, in which he tentatively favored secession, without actually recommending that extremity.[25] On the second day, it was found that several members of the former committee on credentials had not returned, whereupon new ones were put in their place.[26] Later the committee announced that the following States were represented: Alabama, Florida, Mississippi, Tennessee, South Carolina, Georgia and Virginia.[27] The different States then announced the new ap-

[25] Mr. McDonald said in part:

"The constitution, then, is the great temple of our religious, political, and individual liberty. The sacred rights of millions of freemen are intimately interwoven with its structure. If it be destroyed, they must perish with it, unless they can be otherwise preserved. The polluted and polluting hands of a wicked fanaticism and sectional ambition have already shaken its foundation stone. It is in imperial peril. Unless it can be rescued from the machinations and violence of evil men, it must fall. Every breeze that comes from the North, wafts to our ears the intelligence of some fresh wrongs and injustice, of tumults and insurrection against the constitution, and the laws. It may be that while I now speak, the life blood of citizens of Georgia crimsons the streets of Boston, and that, for the prosecution of their rights under that constitution and those laws. Can it be the settled purpose of infatuated and maddened fanatics to drive the States of the South to the last measure of safety, short of revolution, secession from the Union—a measure that should be resorted to only in cases of extreme necessity, and after all other measures have failed? I do not speak thus to excite resentment, to exasperate. No, it requires wisdom, calmness, moderation, courage, to meet the crisis. Those who will contemplate the immense blessings which have flowed from the constitution, when faithfully administered, cannot fail to see the finger of God in its wonderful construction. Let us then set to work earnestly to preserve it, trusting in him to direct us in the means. Shall we rest quietly, seeing the approaching dissolution, and make no exertion to avert it, and adopt no measures of safety if it must come? No, no. If the constitution be doomed to perish, we must nerve our arms to secure the rights it was intended to guarantee, relying on the guidance and aid of the Omnipotent in so just a cause."—*The Nashville American*, Nov. 12, 1850.

[26] The following were the committee in full: Messrs. Pillow, of Tennessee; Hutchinson, of Mississippi; Buford, of Alabama; Gordon, of Virginia; McWhortor, of Georgia; DuPont, of Florida; Pickens, of South Carolina.—*The Nashville American*, Nov. 13, 1850.

[27] The following is a list of delegates representing the different States:

Alabama—R. Chapman, G. W. Williams, C. C. Clay, Sr., J. M. Calhoun, and J. Buford.

Florida—C. H. DuPont, J. H. Verdier, P. W. White, Jno. E. McGehgee.

Mississippi—J. Macker, J. J. Davenport, A. Hutchinson, W. K. Kilpatrick, P. Smith, T. J. Wharton, J. C. Thompson, C. M. Lawn.

Tennessee—A. V. Brown, G. J. Pillow, A. O. P. Nicholson, A. J. Donelson, J. B. Clements, T. Claiborne, Dr. M. Esselman, W. G. Harding, F. McGavock, T. Morton, W. H. Polk, J. McClavin, J. D. Moseley, and L. P. Cheatham.

South Carolina—Langdon Cheeves, W. J. Hanna, F. W. Pickens, W. C.

pointments to the general committee on resolutions. General Gordon was retained as chairman of this committee.

Resolutions were introduced from almost every State, which claimed to be an expression of its attitude towards the questions at issue. Set speeches were made during the convention by Messrs. Cheeves, of South Carolina; McWhortor, of Georgia, and Governor Brown, of Tennessee. Throughout the session of seven days, a marked change from the conciliatory tone of the June meeting prevailed. The Tennessee delegation, although dominated by the conservatives, was itself divided. General Pillow's resolutions, on the part of the Tennessee delegation indicated an acquiescence in the late acts of Congress, but declared a determination to resist any further aggression against Southern rights. Hon. Langdon Cheeves, in the resolutions introduced for his State (South Carolina), indicated secession as the proper remedy for the grievances of the South, and followed it with a speech of about two hours, in which he reviewed the difficulties between the two sections of the Union, the several recent acts of Congress and recommended secession as the proper means of future security. In the course of his speech when he reached the climax of his eloquence on the present condition of the South, he exclaimed: "It is already done; the Rubicon is crossed; even now the Union is divided."[28] Messrs. Hunter, Jones and Sneed, of Georgia, also introduced resolutions, in which they took essentially the same position as South Carolina. Mr. McWhortor, of Georgia, later addressed the convention for one hour. He denounced the Fugitive Slave law as a "*quid pro quo* of a false character." "Union and slavery," said he, "can-

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Young, J. N. Whitner, J. Bradley, S. Otterson, D. Nance, D. F. Jamison W. Grigg, G. A. Trenholm, J. S. Wilson, J. Chestnut, Jr., W. DuBose, R. B. Rhett and R. Barnwell.

Georgia—J. G. McWhortor, J. A. Jones, Jno. D. Steel, W. P. Parker, G. R. Hunter, R. Bledsoe., J. M. Bethune, J. Sneed, C. J. McDonald, H. G. Benning, Dr. Daniel.

Virginia—Gen. Gordon.

[28] "We call this argument of Mr. Cheeves the manifesto—the hand of South Carolina. Coming from the most able of her sons, there can not be a doubt that it meets with the hearty approval of the able, but misguided delegation. But we can not dignify it with a higher appellation. South Carolina may be correctly represented in this convention, but we cannot be cajoled into the belief that the people of any other Southern States are leagued with her in her designs upon the unity and peace of the Republic."—*The Nashville Gazette*, Nov. 15, 1850.

not long exist together, and what is the South to get? Self-preservation is the first law of nature, with States as with individuals." Mr. Claiborne, of Tennessee, then followed in the same strain for himself, as he said, rather than for his State, as he was in the minority in his delegation. Secession was boldly and freely spoken of as the only hope of the South. The resolutions proposed by Mr. Clay, of Alabama, were bitter and uncompromising in their condemnation of the compromise measures; which they termed the "adjustment scandal."

Resolutions were introduced by Mr. Davenport, of Mississippi, in support of which, he said, a majority of the people in his State had acted favorably. They endorsed the right of secession, and enumerated the wrongs inflicted upon the South:

"In view of these aggressions and outrages inflicted upon the South and those threatened and impending," they recommended that each of the Southern States appoint delegates to a general convention, the time and place to be determined later; that these delegates be "clothed with full authority to deliberate and act, with all the sovereign power of the people, with a view to arresting further aggression, and restoring the constitutional rights of the South—if possible—and if not, then to provide for the safety and independence of the South in the last resort."

The Mississippi, Alabama and Georgia delegations proposed in their reports that a Southern convention or congress, as the Alabama report styled it, be held at some future date; delegates to be chosen by "primary meetings of the people," in such manner as might be suitable to the States participating; and that they be clothed with power to take authoritative action with reference to the late acts of Congress. The Alabama report said: "We recommend to those States who think themselves aggrieved by those acts (compromise of 1850), and who wish to unite against future aggression, to elect delegates to meet in Georgia some time next spring." Montgomery was also suggested as a suitable place for holding this Southern congress.

The conservative element, who favored peaceful acquiescence in the compromises of 1850, upon the one condition that they be faithfully executed, constituted a very small minority of the second convention. The Tennessee delegation favored resolutions endorsing these compromises. They, however, were al-

most alone in that position, there being only a few individuals from the other States of a similar mind.

All resolutions were referred to the committee on resolutions, whose report was made just before the convention adjourned, and was adopted by a vote of six to one, Tennessee voting in the negative. Some excitement and disorder was witnessed at the closing scene of the convention, because, as previously agreed upon, the report was adopted without further discussion.[29] No address was issued.

The resolutions, which were prefaced by a lengthy preamble, were as follows:

"*Resolved*, That we have ever cherished, and do now cherish a cordial attachment of the constitutional Union of the States, and that to preserve and perpetuate that Union unimpaired, this convention originated and has now reassembled.

"*Resolved*, That the Union of the States is a Union of equal and independent sovereignties, and that the powers delegated to the Federal government can be resumed by the several States, whenever it may seem to them proper and necessary.

"*Resolved*, That all the evils anticipated by the South, and which occasioned this convention to assemble have been realized, by the failure to extend the Missouri line of compromise to the Pacific ocean. By the admission of California as a State. By the organization of Territorial governments for Utah and New Mexico without giving adequate protection for the property of

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[29] Of the closing scenes an editorial says:

"That the matter may be understood, we give a brief history. The committee on resolutions had unanimously instructed their chairman, on reporting the resolutions on Monday morning, to move the previous question on their adoption. The members were anxious to return home, it was known that if a debate once commenced it would be almost interminable. Messrs. Brown and Nicholson, representing Tennessee on the committee, both stated in convention that while they dissented from the report, they would take some other opportunity of laying their views before the public, and admitted that the reasons for taking the vote without debate were satisfactory, and, in committee, consented that the previous question should be moved. The previous question was sustained and the resolutions adopted. Major Donelson then moved a reconsideration of the vote adopting the resolutions, stating that he had at the meeting of his delegation voted in favor of them, for the purpose of moving a reconsideration. The president stated that as the vote had been taken by States, each State giving one vote, a reconsideration could only be made by a State—that the convention had no knowledge, and could have none, of the votes of individual delegates in their private conferences—and that, as the State of Tennessee had voted in the minority, her delegation, and much less one member of it, could not move a reconsideration."—*The Nashville American*, Nov. 20, 1850.

the South. By the dismemberment of Texas. By the abolition of the slave trade, and the emancipation of slaves carried into the District of Columbia for sale.

"*Resolved,* That we earnestly recommend to all parties in the Slave-holding States, to refuse to go into or countenance any National convention, whose object may be to nominate candidates for the presidency and vice-presidency of the United States, under any party denomination whatever, until our constitutional rights are secured.

"*Resolved,* That in view of these aggressions, and of those threatened and impending, we earnestly recommend to the slave-holding States, to meet in a congress or convention to be held at such time and place as the States desiring to be represented, may designate, to be composed of double the number of their senators and representatives in the Congress of the United States, intrusted with full power and authority to deliberate and act with a view and intention of arresting further aggression, and if possible of restoring the constitutional rights of the South, and if not to provide for their safety and independence.

"*Resolved,* That the president of this convention be requested to forward copies of the foregoing preamble and resolutions to the governors of each of the slave-holding States of the Union, to be laid before their respective legislatures at their earliest assembling."

The convention adjourned *sine die* November 18, 1850. A few words will sum up its history. During the fall and winter of 1849-50, the outlook seemed to indicate success, and the prospects up to the early spring of 1850 were full of encouragement to the leaders of the movement. In most of the Southern States, many of the most prominent men in both political parties expressed themselves favorably toward it; and in a few instances, public opinion rang clear upon the issue. Already several of the State legislatures had rendered a favorable verdict. Even in those States never represented in the convention, namely, Maryland, Louisiana, Missouri, Kentucky and North Carolina, some sort of encouragement was promised. But so far as known, delegates were not actually appointed except in the case of North Carolina. The Kentucky Senate killed a resolution of endorsement in the spring of 1850, which seems to have ended her part in the matter; and in Maryland somewhat the same fate overtook the movement. Governor Johnson, of Louisiana, in a published letter upon the subject, said:

"It is with a feeling of lively satisfaction that I see the South poising herself in a lofty and patriotic attitude in defense of her rights. In my opinion, there is little reason to believe there will be any cessation of hostilities at the North, and I earnestly recommend to the State of Louisiana that she promptly take the necessary steps to have delegates at Nashville."[30]

At a meeting of the Southern Senators, held in Washington, April 16th, at which all but four were present, a full recognition of the necessity for holding a convention was unanimously recognized.[31] But by this time a persistent state of indifference among many Democrats, and a growing disaffection among the Whigs generally, had grown to threatening proportions. To counteract this tendency much zeal was spent by those deeply interested. Open letters were written by Southern representatives in Congress to their constituents. In some sections, speakers addressed the people in stirring words of eloquence. The sympathy and support of the West was sought and promised. Hon. John W. Davis, ex-Speaker of the House of Representatives, in reply to an invitation to attend the convention, expressed himself as sorry for having it reach him so late that he could not attend. He said:

"Had it reached me in time, I should certainly have given it my attention with a view to serving the South by attempting to bring the West to the rescue of the South in maintaining the constitution against the attacks made upon it at the North. I earnestly urge, however, that the South forego a threatening aspect for a time at least. In my opinion, the West will stand for the constitution. I think the South has very just cause to feel deeply interested in the matter of wanton disregard of the constitution practiced by the Northern fanatics. I believe the Government is with the South."[32]

In those days, when confidence and hope reached the high water mark, the opinion was frequently expressed in different parts of the country, "that upon this vital question to the South there is perfect union of parties." These rumors caused a state of alarm at the North of sufficient intensity in some places to call forth public meetings of such a character and in such numbers as

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[30] *Montgomery Advertiser*, Feb. 6, 1850.
[31] *Ibid*, April 16, 1850.
[32] New Orleans *Delta*, Dec. 3, 1850.

to justify the conviction that Northern representatives in Congress would be forced by public sentiment among their constituents to submit to the Southern demands in regard to the territorial question.[33] The excitement and apprehension was sufficient at one time to cause the circulation of the report that the president would issue a proclamation about the middle of May warning the citizens of the Southern States not to take part in any treasonable action; and that General Scott would be ordered to the neighborhood of Nashville with a military force to put down any movement against the government.[34] The satisfaction of the Southern leaders also reached its climax then, and their confidence found expression in the prediction that the convention would accomplish its chief aim so effectually, even before it could assemble, that there would remain little necessity for actually holding the meeting. Congress, they thought, would interpret the bent of public sentiment throughout the Union, and yield to the South upon the questions agitating the nation. Some expressed the belief that "the great, patriotic, conservative heart of the nation will respond to the appeal, and the whole question will be finally and satisfactorily settled if the States are fully represented in the convention."

But during this period of uncertain promise, the movement passed its palmiest days. In most instances, the favorable action of the State legislatures and the poorly attended conventions proved to be hasty and unrepresentative of the whole people's attitude; for the fact soon became apparent, as the pulse of the Southern masses was tested more accurately, that the plan must be a signal failure so far as the accomplishment of its original intent was concerned. The irregularity in the method of the selection of delegates, and the indefinite instructions given them, were further indicative of the fact that the people were not deeply concerned and were disposed to await developments. This was especially true of the leading representatives of the Whig party. Still others were never quite decided in their opinions as to the motives inspiring the movement and the objects to be attained.[35]

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[33] Montgomery *Advertiser,* April 24, 1850.

[34] Montgomery *Advertiser,* March 27, 1850.

[35] Governor Brown, of Florida, in reply to an address from his State's representatives in Congress requesting him to cause the selection of delegates, said: "I have no right to recognize such a convention, and, further-

Extreme conservatism in a few instances, bitter ultraism on the part of some,[36] party jealousy and distrust, militated much more against the success of the convention. At a public meeting in Montgomery, May 13, Messrs. Wm. L. Yancey and Jefferson Noble pled with all true lovers of the South to stand together upon this issue. "Already," said Mr. Noble, "the opposition to it and the disunion of the South upon this great question had worked us more real harm than all the abolitionists at the North combined."[37]

The Whig press, as the time for the assembling of the convention approached, became, almost universally, loud and bitter in its condemnation. "Ultraism," "treason," "traitor" and "rebellion" were common epithets. Its originators were often held up to the public as ambitious demagogues and dissatisfied politicians seeking to gratify their own selfish ambition, and ready in their reckless desperation to destroy the constitution and the Union.

Mr. Clay's ability and reputation kept many Whigs hopeful that Congress would settle the territorial question satisfactorily. Besides, Mr. Webster, in his 7th of March speech, by his conciliatory attitude, and by his cordial support of Mr. Clay, aided in the reactionary sentiment among Southern men. On the 31st of March, Mr. Calhoun died. When his part in getting up the convention is borne in mind, there can be no doubt that his death was an inestimable loss to the movement.

Whatever possibility for the union of the whole South upon this issue there might have been vanished when Congress passed the compromise measures; that was, indeed, the final stroke that

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more, believe it to be revolutionary and contrary to the spirit of the constitution, which says, "no State shall enter into any treaty, alliance or confederation."—Montgomery *Journal*, March 17, 1850.

[36] In a pamphlet, entitled "The North and the South," published at Columbia, South Carolina and circulated throughout the Southern States, the view of the situation taken by the extremists was set out in five propositions:

"First, there is a controversy between the North and the South.

"Second, this controversy cannot amicably be settled.

"Third, a collision is inevitable.

"Fourth, immediate dissolution of the Union—a Southern Confederacy and a taking possession of certain Territories by force of arms, is the only remedy.

"Fifth, that this should be the object and action of the Nashville convention."—Montgomery *Journal*, April 23, 1850.

[37] Montgomery *Journal*, April 26, 1850.

killed this forlorn hope. A majority of the people in the South accepted this adjustment, no doubt, in a spirit of sacrifice, for the common good. It will be remembered that President Sharkey refused to call the November session on the ground that, while not all that he had wished, the compromise was the best that might be expected. Following his example, few if any Whigs or conservative Democrats attended. In the elections that followed in the next few months, a great majority of the Southern people ratified the action of Congress.

IX. ALABAMA AND THE CHARLESTON CONVENTION OF 1860.

By James Leonidas Murphy, Evergreen, Ala.

No convention in the history of the Democratic party has had more important results than the one that met in Charleston, South Carolina, in 1860. It witnessed the disruption of the Democratic party, which practically ensured the election of Lincoln, and thereby precipitated secession and the Civil War. It is especially interesting to the student of Alabama history because of the part that Alabama took in it. Its main incidents are familiar to every one, for many good accounts of it have been written.[1] Yet no one has carefully traced out the history of the movement which resulted in its disruption. This was the final culmination of a political policy that had been inaugurated in Alabama in 1848, and had been enunciated in the famous "Alabama Platform" of that year. It is the purpose of this paper to show the relation between this Alabama movement and the Charleston convention, and to trace the effect of Alabama politics on that convention—in other words to explain how the Alabama delegates came to play so important a part in it. Free use will be made of contemporary material, much of which has not been previously utilized.

To understand the action of the Alabama delegates in the Charleston convention we must first examine the circumstances under which they were sent there, and the instructions that were given them as to the course they were to pursue. The convention which sent them met in Montgomery, January 11, 1860.

[1] Rhodes gives a clear, but brief, account in the second volume of his *History* of the U. S. from the compromise of 1850, vol. ii, pp. 454, *et seq.* Greeley, in his *American Conflict*, vol. i, pp. 300, *et seq.*, gives more details and some extracts from documents. Lossing writes with bitterness, but gives many interesting facts in his *Civil War in America*, vol. i, p. 18. Von Holst discusses it vigorously from an unfriendly standpoint in his *Constitutional History of the U. S.*, vol. i, p 59-61, chap. III. Wilson's *Rise and Fall of the Slave Power* describes in fun the point of view of a leader of the Republican party of that day, vol. ii, chap. liv. The best presentation of Douglas's side is in Stephens's *Constitutional View of the Late War Between the States*, vol. ii, pp. 271, *et seq.* The most elaborate account from the Southern State rights standpoint is to be found in Du Bose's *Life of W. L. Yancey*, chap. 22.

There were two contesting wings in this convention. One was led by William L. Yancey, who believed in demanding absolute protection for slavery in the Territories; the other was led by Messrs. John J. Seibels and John Forsyth, who did not believe that it would be of any material advantage to the South to demand this protection, and was inclined towards Stephen A. Douglas's popular sovereignty theory. When the convention met, Mr. Bulger, of Tallapoosa, was proposed as temporary chairman by the Seibels and Forsyth wing, and Mr. Smith, of Lauderdale, by the Yancey wing. As a compromise, Mr. Walker moved that Mr. Francis S. Lyon be made temporary chairman of the convention. This motion was carried, and Mr. Lyon took the chair.[2]

The next struggle in the convention was in regard to the rival delegations from Montgomery and Mobile counties. There had been two primaries in Montgomery county to select delegates to the state convention. The first, on November 12, 1859, claimed to

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[2] For some vivid reminiscences of this convention see the article by Col. S. S. Scott in the *Transactions* of the Alabama Historical Society, vol. iv.

Johnson J. Hooper, the well known humorist, at that time was editor of the *Montgomery Daily Mail*, and in the issue of Jan. 12, 1860, gives the following racy description of the selection of a chairman:

"The Ducipital Democracy!
Two Chairmen in the Stand!
The Lambs Compromise on a Lyon!
A Yancey Committee!

"The Democratic State convention, or rather two or three hundred gentlemen claiming to be such, met in the Hall of the House, yesterday afternoon.

"At three-quarters past three, some gentleman moved that Gen. M. J. Bulger of Tallapoosa act as temporory chairman.

"Mr. Yancey rose, and stated that the motion was out of order, the hour appointed being four o'clock, by the State House clock.

"General Bulger, however, took the chair, and Mr. Yancey continued, showing that no motion could be made till four. He spoke till that hour, and then moved that Hon. H. D. Smith, of Lauderdale, take the chair, and put the question, which was carried.

"Mr. Smith now took the stand, also, so that there were two temporary chairmen on the stand, each hammering and putting propositions, as to his own election; and each deciding in his own favor.

"The noise, hubbub, and human roar, became awful. Tophet, with old Nick on a bust, couldn't be worse.

"Hon. L. P. Walker now moved that Hon. F. S. Lyon (old Union man, but now of Yancey's wing,) be the compromise Chairman—which was carried; and Messrs. Smith and Bulger walked down, and Mr. Lyon walked up."

be the regular meeting of the Democracy of Montgomery county. It unanimously adopted the following resolutions:

"1. The constitution of the United States is a compact between sovereign and co-equal States, united upon the basis of perfect equality of rights and privileges.

"2. The territories of the United States are the common property of the States, to which the citizens of each and every State may rightfully and constitutionally emigrate with any property recognized as such in any State of the Union, and while there it is the constitutional duty of the Federal government, acting through its appropriate agents and departments to provide such adequate and complete protection to their property of every description as may be essential to its full enjoyment.

"3. The doctrine of non-intervention or 'non-interference with the institution of slavery in States, Territories, or District of Columbia,' as laid down in the Cincinnati platform, does not, nor was it intended to recognize the doctrine of Squatter Sovereignty, or to conflict with the assertion and maintenance of the constitutional duty of the Federal government to protect the property of the citizens of the several States which may go or be taken into the Territories of the United States.

"4. In the language of the supreme court of the United States, 'the right of property in slaves is distinctly and expressly affirmed in the constitution,' and 'the only power over it conferred upon Congress, is the power coupled with the duty of guarding and protecting the owners in their rights.' And we hold that neither the compromise measures of '50 and '51, nor the Kansas-Nebraska bill nor the Cincinnati platform was intended to release or could release Congress or any other department of the government from 'the duty of guarding and protecting the owners in their rights' of property in the Territories or from the performance of any other constitutional obligation.

"5. As the Congress of the United States has no power to prohibit or abolish slavery in the Territories, so neither can it confer such authority upon its creature, a Territorial legislature. It pertains alone to the people of the Territory to decide for themselves whether slavery shall exist therein or not, when in the exercise of rightful authority they form their State constitution with the view to admission into the Union, and that such decision becomes of force and effect upon the admission of the Territory as a State.

"6. We insist upon the constitution, and will stand by the constitution as our fathers made it, venerating the maxim, that 'Eternal vigilance is the price of Liberty.' And when we fail to assert and maintain our constitutional rights or acquiesce in their violation for the sake of party harmony and success, or upon the

idea that such rights are abstract or unimportant, we will prove derelict to our duty and unworthy of the blessings of constitutional freedom.

"7. That since the adoption of the Cincinnati platform, the supreme court of the United States has, in the Dred Scott case, clearly defined the constitutional rights of the South, and that we approve that decision and the principles set forth in the opinion of the courts, and that we think it to be the imperative duty of the Charleston convention to express its approval of said decision and principles, and to declare for protection of slavery in the Territories by Congress.

"8. Entertaining these views, it is our sacred duty to support neither Stephen A. Douglas nor any other man for the Presidency of the United States, whose sentiments are opposed to the principles contained in the foregoing resolutions."[3]

Although this meeting was formally regular, its action declaring against Stephen A. Douglas proved unsatisfactory to the Seibels-Forsyth wing, therefore they issued a call for another primary. This primary met on January 2, 1860, and it was attended by both wings.[4] The convention was organized by the Seibels wing, and one of its first duties was to appoint a committee on resolutions. This committee[5] reported identically the same resolutions that had been adopted by the November convention with the exception of the eighth, in which they omitted all specific objections to Douglas. They were doubtless intended as a compromise, which would satisfy both wings and yet leave the field open to Douglas. The Yancey element did not object to the organization; but when these resolutions were reported, Mr. Thomas M. Arrington and Mr. Yancey argued that there was no necessity for the present meeting as its action had been anticipated by the previous one. At the conclusion of Mr. Yancey's argument, he moved that the meeting adjourn. The motion was carried in spite of vigorous protests, the vote being two to one. After the withdrawal of their opponents, the Seibels followers immediately reorganized with Gabriel B. Duval as chairman, and appointed delegates to the state convention.[6] They adopted the

[3] Montgomery Advertiser and State Gazette, Nov. 16, 1859.

[4] *Montgomery Daily Mail*, Jan. 3, 1860.

[5] This committee on resolutions consisted of Messrs. H. C. Semple, William Marks, J. J. Seibels, Albert Elmore, and J. R. Powell.—*Ibid.*

[6] *Ibid.*

following resolutions, which more perfectly represented their own position:

"1. *Resolved,* That the Democracy of Montgomery county in convention assembled, reindorses the platform of principles laid down by the Democratic party in the National convention of 1856; and hence declares that the Democratic party is the party of the constitution, and recognizes the equality of the several States and the right of the people of all the States to occupy and enjoy their common territory; that it denies the power of the Federal government, or any authority derivative from it; to discriminate between property in slaves and other property existing under the constitution of the United States and the laws of the several States, and asserts the obligation of the general government to provide adequate protection for slave and all other property in the Territories and wherever it has rightful jurisdiction.

"2. *Resolved,* That we understand the Dred Scott decision to cover the principles above declared, and we will support no man for the Presidency, who does not approve and endorse that decision as thus understood.

"3. *Resolved,* That, with this declaration of principles as their guide, we leave our delegates in the convention to adopt such a course as shall in their judgment be best calculated to secure our rights and our honor."[7]

Under similar circumstances two sets of delegations had been selected in Mobile county, but the contest between them was not so bitter as in the case of the two sets from Montgomery.

On the committee to pass upon the contesting delegations from Mobile and Montgomery counties were placed John T. Morgan, as chairman, and six others. Mr. Morgan reported that they considered the delegates appointed by the Democratic meeting held in the city of Montgomery on November 12, 1859, the proper delegates to represent Montgomery county in the state convention. There was much and exceedingly spirited debate on both sides. Morgan vigorously defended his report before the convention. He said he held those persons to be disorganizers who refused to abide by the usages of the Democratic party, and that the refusal to enter as members into a Democratic meeting, which

[7] These resolutions were drawn up by a committee consisting of the same five men who had drawn up the first resolutions, with the addition of Messrs. T. B. Bethea, John D. Phelan, Peter B. Mastin, P. T. Sayre, W. J. Beasley, George Goldthwaite, Henry W. Hilliard, Abram Martin, John Whiting, and Thomas Brown.—*Montgomery Daily Mail,* Jan. 3, 1860.

had been regularly called, was a departure from these usages. By a vote of 211 to 110 the convention concurred with the report of the committee, and the delegates appointed by the January meeting withdrew.[8] The convention was then in admirable temper, and on motion of Mr. Alex. Clitherall both sets of delegates from Mobile were admitted to seats in the convention by a vote of 295 to 155.

Mr. Erwin was made chairman of the committee on platform. After two days' consultation, he reported the resolutions which were adopted by the convention, the opposition led by Mr. Forsyth, of Mobile, never counting more than six votes.

These resolutions[8] begin with the statement that the question of slavery is more important than all other issues upon which Alabama has previously affiliated with the National Democratic party. They then, in general, reaffirm the Cincinnati platform of 1856, but in order to insist upon the Southern interpretation of this ambiguous platform they specifically state that Congress has no right to prohibit slavery in the Territories, nor have the people of the Territories that right until they form a State constitution. They also endorse the statement of the Alabama platform of 1848, that it is the duty of the general government to protect slaves in the Territories. The Dred Scott decision is interpreted as confirming this claim to protection. The Alabama delegates to the Charleston convention are instructed to withdraw in case it should refuse to adopt a platform embodying these resolutions.[9]

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[8] *Montgomery Daily Mail*, Jan. 12-14, 1860.

[9] The resolutions in full are as follows:

1. *Resolved* by the Democracy of the State of Alabama, in Convention assembled, that holding all issues and principles upon which they have heretofore affiliated and acted with the National Democratic party to be inferior in dignity and importance to the great question of slavery, they content themselves with a general re-affirmance of the Cincinnati Platform as to such issues, and also endorse said platform as to slavery, together with the following resolutions:

2. *Resolved further*, That we re-affirm so much of the first resolution of the Platform adopted in Convention by the Democracy of this State, on the 8th of January, 1856, as relates to the subject of slavery, to wit: "The unqualified right of the people of the slaveholding States to the protection of their property in the States, in the Territories, and in the wilderness in which Territorial Governments are as yet unorganized."

3. *Resolved further*, That in order to meet and clear away all obstacles to a full enjoyment of this right in the Territories, we re-affirm the principle of the 9th resolution of the Platform adopted in Convention by the Democracy of this State on the 14th of February, 1848, to wit: "That it is the duty of the General Government, by all proper legislation, to se-

The question naturally arises whether these resolutions represented the real feeling of a majority of the people of Alabama, or were brought about by the manipulation of shrewd politicians. That they did represent the real feeling of a large number of the Democrats in the State—probably the great majority—is shown first, by the fact that the convention was a genuinely representative body, containing delegates from every county in the State

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cure an entry into those Territories to all the citizens of the United States, together with their property of every description, and that the same should remain protected by the United States while the Territories are under its authority."

4. *Resolved further,* That the Constitution of the United States is a compact between sovereign and co-equal States, united upon the basis of perfect equality of rights and privileges.

5. *Resolved further,* That the Territories of the United States are common property, in which the States have equal rights, and to which the citizens of every State may rightfully emigrate with their slaves or other property, recognized as such in any of the States of the Union, or by the Constitution of the United States.

6. *Resolved further,* That the Congress of the United States has no power to abolish slavery in the Territories, or to prohibit its introduction into any of them.

7. *Resolved further,* That the Territorial Legislatures, created by the legislation of Congress, have no power to abolish slavery, or to prohibit the introduction of the same, or to impair, by unfriendly legislation, the security and full enjoyment of the same within the Territories; and such constitutional power certainly does not belong to the people of the Territories in any capacity, before, in the exercise of a lawful authority, they form a Constitution preparatory to admission as a State into the Union; and their action in the exercise of such lawful authority certainly cannot operate or take effect before their actual admission as a State into the the Union.

8. *Resolved further,* That the principles enunciated by Chief Justice Taney, in his opinion in the Dred Scott case, deny to the Territorial Legislature the power to destroy or impair, by any legislation whatever, the right of property in slaves and maintain it to be the duty of the Federal Government, in *all* of its departments, to protect the rights of the owner of such property in the Territories; and the principles so declared are hereby asserted to be the rights of the South, and the South should maintain them.

9. *Resolved further,* That we hold all of the foregoing propositions to contain *cardinal principles*—true in themselves, and just and proper, and necessary for the safety of all that is dear to us, and we do hereby instruct our Delegates to the Charleston Convention to present them for the calm consideration and approval of that body—from whose justice and patriotism we anticipate their adoption.

10. *Resolved further,* That our Delegates to the Charleston Convention are hereby expressly instructed to insist that said Convention shall adopt a platform of principles, recognizing distinctly the rights of the South as asserted in the foregoing resolutions; and if the said National Convention shall refuse to adopt, in substance, the propositions embraced in the preceding resolutions, prior to nominating candidates, our Delegates to said Convention are hereby positively instructed to withdraw therefrom.

11. *Resolved further,* That our Delegates to the Charleston Convention

except Covington; and, secondly, by the action of the Democratic county conventions, which met for the purpose of selecting delegates to the convention. It is manifestly impossible to quote many of these. Two examples must suffice. A comparison of the resolutions adopted by the Montgomery county meeting in November with these State resolutions will show that, while the language is different, the ideas are practically the same. The most conspicuous and most often quoted of the county resolutions are those[10] adopted by the Perry county convention held in Marion on October 17, 1859. They were introduced by Wm. M. Brooks, and are identically the same as those afterwards adopted by the Montgomery county meeting of November. They demanded protection for slavery in the territories and insisted that Alabama should not support Douglas or any other man for the presidency who was opposed to protection.

In fact the doctrine of protection for slavery in the Territories was not a new one in 1860. It dated back to the Democratic State convention of 1848, which took an advanced Southern position, and, largely through the efforts of Mr. Yancey, adopted the famous Alabama platform. This declared that citizens of the United States together with their property of every description should not be prohibited, either by Congress or by the Territorial legislatures from entering territory belonging to the general government, and should be protected by Congress.[11] The Alabama delegates were instructed by this convention not to vote for any one who would not accept this view of the slavery question. The compromises of 1850, which after an exciting contest were accepted in Alabama, hushed for a time the demand for protection.

The opening up of the Kansas-Nebraska territory in 1854 re-

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shall cast the vote of Alabama as a unit, and a majority of our Delegates shall determine how the vote of this State shall be given.

12. *Resolved further*, That an executive Committee, to consist of one from each Congressional district, be appointed, whose duty it shall be, in the event that our Delegates withdraw from the Charleston Convention, in obedience to the 10th resolution, to call a Convention of the Democracy of Alabama, to meet at an early day to consider what is best to be done.—*Montgomery Daily Mail*, Jan. 16, 1860.

They are also included in the proceedings of the Charleston Convention.

[10] Montgomery *Advertiser and Gazette*, Nov. 2, 1859.

[11] The Conservative Party in Alabama, by J. E. D. Yonge, *Transactions* of the Alabama Historical Society, vol. iv; also John W. Du Bose's *Life of Yancey*.

vived the idea, and Alabama renewed its demand. The National Democratic convention which met in Cincinnati in 1856 adopted a platform which declared for "non-interference of Congress with slavery in the Territories." The Alabama delegates to this convention supported this platform, but interpreted the clause to mean that the people of a territory could decide for themselves for or against slavery only when forming a State constitution. The Northern Democrats interpreted it to mean that the people of the Territory previous to the formation of a State constitution could decide for themselves whether or not they would have slavery.

It has already been stated that the Alabama delegates were instructed to withdraw from the Charleston convention if a platform embodying the principles of protection was not adopted by it. With these instructions, they met the delegates from the thirty-two other States of the Union in convention at Charleston on April 23, 1860. The proceedings of that convention are too familiar to need repetition. Suffice it to say that as soon as it was organized, a committee on platform was appointed, consisting of one delegate from each of the thirty-three States of the Union. The committee presented three reports to the convention —a majority and two minority reports.[12] In a speech delivered in Montgomery after his return from the Charleston convention, Mr. Yancey said:

"The majority report contained substantially all that Alabama insisted upon and was signed by the delegates on the committee from all the Southern States and those from California and Oregon, making in all seventeen States. This was a majority of all the States in the Confederacy, all of the Democratic States, and those only which can be relied on to cast their electoral votes for a Democratic candidate for the presidency at the ensuing election; and furthermore, they constitute seventeen of the nineteen States that voted for Mr. Buchanan in the electoral college as well as fourteen of the sixteen States in which he received a majority of the popular vote. Thus the principle of protection to slavery, which Alabama had solemnly declared to be vital, was endorsed by a majority of the whole United States and all the reliable Democratic States. Not only endorsed and recommended to the convention by these States upon the platform com-

[12] *Proceedings* of the National Democratic Convention convened at Charleston, S. C., April 23, 1860, pp. 19-21.

mittee but it met with the sympathy of a portion of the delegates from several of the other free States besides California and Oregon."[13]

The majority platform was voted down by the friends of Mr. Douglas by a vote of 138 to 165. The reason Douglas's friends were able to do this was that the convention had adopted a rule, "that in any State which has not provided or directed by its State convention how its vote may be given, the convention will recognize the right of each delegate to cast his individual vote.[14] This was the first time in the history of the National Democratic conventions that a platform reported by a majority of the platform committee was voted down in the convention. Mr. Yancey said: "It was a rule concocted by a remarkably smart man, and was so cunningly devised that its effect was not suspected until the convention had passed it."

Benjamin F. Butler, of Massachusetts presented one minority report. It was the Cincinnati platform of 1856, pure and simple. It was signed by him alone, and was rejected by a vote of 105 to 198.

The principal minority report was presented by Mr. Samuels, of Iowa, and embraced the Cincinnati platform as to slavery and an additional resolution binding the Democracy to abide by the decision of the supreme court as to slavery in the Territories. It was signed by the delegates upon the committee from fifteen non-slaveholding States. All of these States had free-soil legislatures, and were in the hands of the Republicans.

When the committee on resolutions reported, Mr. Yancey spoke[15] in behalf of the majority report, which embodied, he said, substantially all that the Alabama delegates demanded. This speech was greatly applauded by both Northern and Southern delegates, and was noted for its kindness and conciliation.[16] Mr.

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[13] *Advertiser and State Gazette,* May 16, 1860.

[14] *Proceedings,* etc., p. 7.

[15] This entire speech is to be found in the Mobile *Weekly Register,* May 12, 1860.

[16] The editor of the Savannah *Republican* said of this speech:

"The great event, however, of the day, was the speech of the Hon. Wm. L. Yancey, of Alabama, to which the remainder of the afternoon was devoted. It was, indeed, a great speech, and he has won by it golden opinions from all sides—foes as well as friends. It could not have well been otherwise, for besides its eloquence and manly argument, it was kind

Yancey reviewed the position Alabama had taken upon the slavery question, and expressed his hope that the North would participate in the adoption of a platform of principles favorable to the people of the Southern States. He thought the Northern Democracy should accede to the demands of the Southern States because these were the only States that, in all probability, would not cast Republican electoral votes. He denied the charge that the people of Alabama were disunionists and desired to break up the Democratic party, and pronounced all these statements to be false.

In this speech Mr. Yancey said:

"We come here with two great purposes; first, to save the constitutional rights of the South, if it lies in our power to do so. We desire to save the South by the best means that present themselves to us, and the State of Alabama believes that the best means now in existence is the organization of the Democratic party, if we shall be able to persuade it to adopt the constitutional basis upon which we think the South alone can be saved. Democrats ourselves from youth upward, belonging to a State that has never been anything but Democratic, always voting for a Democratic president, and nearly always sending a united vote to the house of representatives, and Democratic senators to the Senate of the United States, we prefer that the honor of saving the country shall crown the brow of the Democratic party. Deceived as we have been by much shown in the history of that party, we yet have some hope that it will come to the rescue of the country; we have some confidence that it has a desire to come to the rescue. We have come here, then, with the twofold purpose of saving the country and of saving the Democracy; and if the Democracy will not lend itself to that high, holy, and elevated purpose; if it cannot elevate itself above the mere question of how perfect shall be its mere personal organization and how wide-spread shall be its mere voting success, then we say to you, gentlemen, mournfully and regretfully, that, in the opinion of the State of Alabama, and, I believe of the whole South, you have failed in your mission, and it will be our duty to go forth and make an appeal to the loyalty of the country to stand by that constitution which party organizations have deliberately rejected."

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and persuasive, and unmarred, from the beginning to the close, by the first offensive expression. I would not trust myself to attempt a description, but I may say that it was an able, eloquent and complete vindication of the views of the South in all this matter. Could our members of Congress be induced to make such speeches—or I should rather say, to adopt at least his tones and manner—we should soon have an end to the anti-slavery agitation of the North. It was a noble and truthful appeal for justice at the hands of our Northern brethren, and the truths stated were its only denunciation."—*Advertiser and State Gazette,* May 9, 1860.

Continuing, he said that he recognized the fact that the South was in the minority, and that the constitution had been made for the protection of minorities. He conceded that the South might be wrong upon this constitutional question, and that the North might be right. But he had no doubts about it. He said the North had nothing to lose while the South had everything. It was the property of the South that was attacked, and her institutions that were at stake. The honor of the wives and children of the Southern men rested upon the course the North might take to consummate its designs. These being facts, the people of the South would yield no position until they were convinced that they were wrong.

Mr. Yancey reviewed the slavery question from the Missouri compromise of 1820 to the Kansas-Nebraska bill of 1854. He said that at one time the Democracy of the North was in the ascendency, and could elect a Democrat president; but the reason it was not so then was that the anti-slavery sentiment was dominant at the North, and the slavery sentiment was dominant at the South—that the Northern Democracy, yielding to the anti-slavery sentiment, had grown weaker and weaker, and had unconsciously turned traitors to their convictions of duty. He went on to show how the North had lost its ascendency. He said the reason was, that they acknowledged that slavery was wrong and could exist only by virtue of statutory enactments.

Mr. Yancey said he had not come there as a disunionist, for if he had, he would have come with the Alabama platform in his hand, and would have presented it for adoption or rejection. without the dotting of an "i" or the crossing of a "t." He said that the Alabama platform did not contain all that the people of that State desired, but for the sake of harmony and union they were willing to accede to any platform, presented by the North, that would afford protection to the people of the South. He thought the North ought to grant this to the South, as it would bring to the support of a Northern platform a united South.

He said that the supreme court in the Dred Scott decision had declared that Congress has no power to prohibit slavery in the Territories, and that the constitution protects slaveholders in the Territories. Therefore the Territorial governments, which de-

rive their powers from the general government, cannot prohibit slaveholders from entering their borders. He said:

"We are determined, in no language of threat or compulsion, that we must bring up the Democratic party to the great issue of loyalty to the government; we must appeal to the noble sentiment of its members, ask that their feelings of loyalty to the government shall over-ride their principle of mere loyalty to party. If need be, we must accept defeat upon great truths with cheerfulness, rather than rejoice in a victory upon error or double dealing.

"To my countrymen of the South I have a few words to say. Be true to your constitutional duties and rights. Be true to your own sense of right. Accept of defeat here, if defeat is to attend the assertion of the right, in order that you may secure a permanent victory in whatever contest you carry a constitutional banner.

"Yield nothing of principle for mere party success—else you will die by the hands of your associates as surely as by the hand of your avowed enemy. Permit no party, in lieu of fealty to the written compact of the constitution, to put the fiat of its own allegiance and fealty upon you, which will forever after be used to prevent your rising when you think the proper time comes, to assert your reserved rights. Do not demoralize yourselves; do not demoralize your own people by admitting that you are ready to affiliate in a war of factions, merely for the sake of keeping a party in power. A party, in its noblest sense is an organized body that pledges itself to the people to administer the government on a constitutional basis. The people have no interest in parties, except to have them pledged to administer the government for the protection of their rights. The leaders of the masses, brilliant men, great statesmen, may by ever ignoring the people's rights, still have a brilliant destiny in the rewards of office and the distribution of the eighty millions annually; but when those leaders, those statesmen become untrue to the people, and ask the people to vote for a party that ignores their rights and dares not acknowledge them in order to put and keep them in office, they ought to be strung upon a political gallows higher than that erected for Haman."

The minority report was adopted with the exception of the clause agreeing to abide by the decision of the supreme court.[17] It was simply a reaffirmation of the Cincinnati platform of 1856.

[17] *Proceedings*, pp. 30-32, and also the *Advertiser and State Gazette*, May 16, 1860.

The final adoption of this report was the signal for the withdrawal of the Alabama delegates.

Mr. LeRoy Pope Walker, the chairman of the Alabama delegation, then presented a written protest, signed by all its members, announcing their reason for withdrawing from the convention.[18] In presenting this protest, Mr. Walker said:

"Mr. President, I am instructed by the Alabama delegation to submit to this convention a communication, and with your permission I will read it.

"To the honorable Caleb Cushing, President of the Democratic National convention, now in session in the city of Charleston, South Carolina: the undersigned delegates, representing the State of Alabama in this convention, respectfully beg leave to lay before your honorable body the following statement of facts: on the eleventh day of January, 1860, the Democratic party of the State of Alabama met in convention, in the city of Montgomery, and adopted with singular unanimity, a series of resolutions."

Mr. Walker then read the resolutions. Continuing he said:

"Under these resolutions, the undersigned received their appointment, and participated in the action of this convention. By the resolution of instruction, the tenth in the series, we were directed to insist that the platform adopted by this convention should embody in substance the proposition embraced in the preceding resolution, prior to nominating candidates. Anxious, if possible, to continue our relation with this convention, and thus to maintain the nationality of the Democratic party, we agreed to accept, as the substitute for the Alabama platform, either of the two reports submitted to this convention by a majority of the committee on resolutions—this majority representing not only a majority of the States of the Union, but also the only States at all likely to be carried by the Democratic party in the presidential election. We beg to make these reports a part of this communication."

He then read the following first majority report which contained the following resolutions in regard to slavery:

"*Resolved,* That the platform adopted at Cincinnati be affirmed with the following resolutions:

"1. That the National Democracy of the United States hold these cardinal principles on the subject of slavery in the Territories: First, That Congress has no power to abolish slavery in

[18] *Proceedings,* pp. 32-35.

the Territories. Second, That the Territorial legislature has no power to abolish slavery in any Territory, nor to prohibit the introduction of slaves therein; nor any power to exclude slavery therefrom nor any power to destroy or impair the right of property in slaves by any legislation whatever.

"2. *Resolved,* That the enactments of State legislatures to defeat the faithful execution of the Fugitive Slave Law are hostile in character, subversive of the constitution, and revolutionary in their effect.

"3. *Resolved,* That it is the duty of the Federal government to protect, when necessary, the rights of persons and property on the high seas, in the Territories or wherever else its constitutional authority extends."

Then he read the second[19] majority report which contained these resolutions in regard to slavery:

"*Resolved,* That the platform adopted by the Democratic party at Cincinnati be affirmed, with the following explanatory resolutions:

"1. That the government of a Territory organized by an act of Congress is provisional and temporary, and during its existence all citizens of the United States have an equal right to settle with their property in the Territory without their rights, either of person or property, being destroyed or impaired by Congressional or Territorial legislation.

"2. That it is the duty of the Federal government, in all its departments, to protect, when necessary, the rights of persons and property in the Territories and wherever else its constitutional authority extends.

"3. That when the settlers in a Territory having an adequate population, form a State constitution, the right of sovereignty commences, and being consummated by admission into the Union, they stand on an equal footing with the people of other States, and the State thus organized ought to be admitted into the Federal Union, whether its constitution prohibits or recognizes the institution of slavery."

He said:

"These reports received the endorsement, in the committee on resolutions of every Southern State, and had either of them

[19] The origin of the *second* majority report is this. The original report of the committee on resolutions was after some discussion referred back to the committee in the hope that some form might be given it that would be generally acceptable. The committee reported the majority report with some changes. This was called the second majority report. It was not adopted.—*See Proceedings, passim.*

been adopted as the platform of principles of the Democratic party, although, possibly, in some respects, subject to criticism, we should not have felt ourselves in duty bound to withhold our acquiescence. But it has been the pleasure of this convention, by an almost exclusive sectional vote, not representing a majority of the States, nor a majority of the Democratic electoral votes, to adopt a platform which does not, in our opinion, nor in the opinion of those who urged it embody in substance the principles of the Alabama resolutions."

Mr. Walker here read the minority report, presented by Mr. Samuels and adopted by the convention.

The following is the report:

"*Resolved*, That we, the Democracy of the Union in convention assembled, hereby declare our affirmance of the resolutions unanimously adopted and declared as a platform of principles by the Democratic convention at Cincinnati, in the year 1856, believing that Democratic principles are unchangeable in their nature, when applied to the same subject matters.

"*Resolved*, That it is the duty of the United States to afford ample and complete protection to all its citizens, whether at home or abroad, and whether native or foreign born.

"*Resolved*, That one of the necessities of the age, in a military, commercial, and postal point of view, is speedy communication between the Atlantic and Pacific States; and the Democratic party pledge such constitutional government aid as will insure the construction of a railroad to the Pacific coast at the earliest practicable period.

"*Resolved*, That the Democratic party are in favor of the acquisition of the Island of Cuba, on such terms as shall be honorable to ourselves and just to Spain.

"*Resolved*, That the enactments of State Legislatures to defeat the faithful execution of the Fugitive Slave Law are hostile in character, subversive of the constitution, and revolutionary in their effect."

Continuing Mr. Walker said:

"Instructed, as we are, not to waive this issue, the contingency therefore, has arisen when, in our opinion, it becomes our duty to withdraw from this convention.

"We beg, sir, to communicate this fact through you, and to assure the convention that we do so in no spirit of anger, but under a sense of imperative obligation—properly appreciating its responsibilities, and cheerfully submitting to its consequences."

While Mr. Walker was presenting the protest, "it was evident that an unprecedented crisis had arrived. The late tumultuous convention was hushed to silence and the stillness of death, while solemnity was depicted upon every countenance."[20]

Mississippi, Florida and Texas followed with their entire delegations; and all but two of those from Louisiana, all but three from South Carolina, three from Arkansas, two from Delaware, and one from North Carolina joined the seceders.

The delegates who did not secede took fifty-seven votes, during which Mr. Douglas's strength rose to one hundred and fifty-two and a half. The strength of no other candidate reached twenty-one votes on any one of the fifty-seven contests. The convention, having failed to nominate a presidential candidate, adopted resolutions to adjourn to meet in Baltimore on June 18, and recommended to the Democratic party of the several States to supply all vacancies made by the withdrawal of the Southern delegates.

The seceding delegates assembled on April 30 in St. Andrew's hall, to consult upon what they should do in that extreme crisis.[21] The hall was filled with an "eager and expectant assemblage," so that it was a difficult matter for the delegates to enter. Mr. Yancey made an appeal in behalf of order and regular proceedings. John S. Preston, from South Carolina, was appointed temporary chairman. Mr. Yancey then in a few concise remarks explained the object and purpose of the meeting, and urged deliberate and well considered measures. He advocated moderation and conciliation. On motion of Mr. Walker, of Alabama, a committee was appointed to report a list of officers and rules for the permanent organization of the convention. Mr. J. A. Bayard, of Delaware, was selected as permanent president.

The second majority platform, which had been rejected in the other convention, was, with one or two verbal changes, adopted by acclamation. The only serious opposition to it was made by John Anthony Winston, of Alabama, who thought it did not come up to the Alabama instructions, because it was not sufficiently explicit on the subject of protection of slavery in the Territories.

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[20] *Advertiser and State Gazette,* May 16, 1860.

[21] The convention subsequently met at Military hall, and later in the theater.—*Montgomery Daily Mail,* May 3-9, 1860.

The Montgomery *Daily Mail* gives the following summary of his speech:[22]

"Governor Winston could not agree to this report. He had belonged to the secession and protection Democracy. The doctrine of Alabama was not embraced in this report. He would not lower her flag an inch, though it may not have been his advice to have raised it. This excitement and talk here is intended to kill off men; and not establish principle.—Neither the Senate resolutions nor the majority report here came up to the standard of Alabama. This was, like the Cincinnati platform, a cheat and a delusion.

"Over-ardent men in the South have determined to renew this question. Though at this late day, when all the territories were occupied, it was not practical, yet he would go for the strict exactions of his State. Had his advice in 1850 been taken, we might now have had California, Kansas, and other Territories. All this fuss about squatter sovereignty was to kill off prominent men at the North and ring in other men in their places. He would wash his hands of this humbug, and the people of Alabama would do it when they saw how this question was bilked in this report. Under it the slaveholder would lose his negro if he went into the territories.

"He would not allow his people to be gulled with this delusion. Platforms were a humbug. He would prefer a sound man on no platform. There was no difference between Stephen A. Douglas and any other man on this platform. He did not justify the breaking up of a party on a mere abstraction. Alabama, however, had demanded the most perfect protection, and he did not regard this report as accomplishing that, declaring, as it did, that Congress should afford protection 'when necessary.' 'When nesessary' might be discussed for twenty years."

A motion was made in the convention to nominate candidates for the presidency and vice-presidency. Judge A. B. Meek, of Alabama, even suggested the names of Davis and Bayard. But it was finally decided to await the action of the delegates who had not withdrawn from the Charleston convention. Mr. Bayard had suggested this policy on taking the chair as president of the convention. He said that the best policy for the seceding delegates to pursue was to wait and see whether the other convention

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[22] *Daily Mail*, May 5, 1860.

would not nominate a man whom they could support on their own platform.[23]

Mr. Yancey proposed the name "Constitutional Democratic convention" for this convention to distinguish it, he said, from the other, which by its action in adopting the squatter sovereignty platform and rejecting the platform of the constitution, had constituted itself the "Squatter Sovereignty convention." This would show to the country that they were not seeking to form another party, and would anticipate their enemies who would like to charge them with disunion and disruption, and call them secessionists. This proposition was opposed by some who did not want to modify in any way the old party name. To insure harmony in the convention, Mr. Yancey withdrew his motion. The seceders then adjourned to meet in Richmond on June 11.

After the adjournment of the two conventions, the all important question for the Democrats of Alabama to decide was whether they should be represented at Baltimore, or at Richmond.

Ex-Governor Winston, who had been a delegate to the Charleston convention and was the only delegate who opposed the resolutions adopted by the Alabama State convention of January, 1860, favored sending delegates to Baltimore. In a letter written May 16, 1860, and also in one written June 11, 1860, he states

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[23] Judge Meek is thus quoted in the report published in the *Montgomery Daily Mail.*

"Now what the present convention had really desired was to have put forward a great historic name that would have commanded confidence and respect all over the Union—he alluded to Jefferson Davis, of Mississippi. They had also, he might say, contemplated putting in connection with that name, the name of the honored gentleman who now presided over their deliberations, and thus have secured a ticket, *sans peur, sans reproche.* But any definite action now was deemed inexpedient, and his position was to appeal to the country to justify their principles and actions.

"Mr. Bayard analyzed with great clearness the ambiguity with which the other convention insisted upon covering up principle. If they nominated a candidate upon their platform, who was the expounder of squatter sovereignty they affirm that construction of it. If they do that he (Bayard) can go with this convention in recommending candidates. If, on the other hand, they should give us candidates maintaining our construction it would be left to them to excuse the inconsistency of their position. In that view this convention might take their nomination of a man whose record was sound in our view of the proper construction of that ambiguous platform. It was therefore our place to await its action."—*Montgomery Daily Mail,* May 4, 1860.

his views in regard to sending them to Baltimore.[24] His action in the Charleston convention had been severely criticised by the press, and he wrote these letters in defense of the course pursued by him there, and to make public his reasons for sending delegates to Baltimore.

In the letter written May 16, 1860, he said:

"The great Democratic party—the only party of national importance left to do battle for the constitution—is disorganized and demoralized. * * * * It is the work of patriotism to save and restore that party to power, to enable it to maintain the great contest now going on for the control of this government. * * * * We have now before us two propositions—the first is to send delegates to meet the National Democracy in council at Baltimore, for the purpose of nominating a national ticket for the presidency and vice-presidency.

"Believing, as I do, that this is the only mode now to save the country from the mad rule of black Republicanism, I favor and advocate the proposition to send delegates to that convention. It is the right of every citizen of the State of Alabama, concurring with and in this opinion, to participate in the movement. No man in this emergency has a right to be neutral.

"It is equally the privilege of those who favor the sectional movement of a convention [at Richmond] to send delegates to that convention—it is their duty to be represented in that convention.

"Believing, as I do, that this convention [at Richmond] is calculated to precipitate the South into a secession from the Democratic party, and from the Union itself—for which there is now no good cause and for which the South is wholly unprepared, I deprecate and oppose that movement."

The *Weekly Advertiser,* May 16, 1860, sums up Governor Winston's position thus:

"The Alabama platform, which I entirely endorse, demands the protection of slave property in the territories even when it is unnecessary; the majority platform requires it, only when it is necessary; therefore, I will sustain the minority platform which refuses it whether necessary or not. The logic of our ex-governor's conclusions may be very striking, but it is more for its impotency than its correctness.

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[24] *Montgomery Confederation,* June 8, 1860, and June 22, 1860.

At a meeting of the people of Montgomery in Estelle hall on May 12, 1860, Mr. Yancey spoke[25] of the action of the Alabama delegates in the Charleston convention, and expressed his opinion as to the policy to be pursued by Alabama in the subsequent national Democratic convention. In this speech, Mr. Yancey said he did not think Alabama, "consistently with her honor and safety or the solemn position she had assumed," could send delegates to Baltimore. The principle of protection to slavery had been rejected by the Douglasites of the Charleston convention, and the Southern delegates compelled to retire from the convention. The squatter sovereignty platform was the platform of the Baltimore convention and by all parliamentary rules could not be altered. The ballots at Charleston showed that Douglas had a clear majority of a full convention, and his friends were perfectly united; and it was not reasonable to expect that they would withdraw their favorite and allow the nomination of such a man as Hunter, Lane, or Davis, who was the first of his peers to lay his hand upon Douglas.

In view of these facts, it was clear that the ballotings at Charleston would be repeated, and Douglas's supporters would stand by him to the bitter end.

"He himself could not see how Alabama and the other seceding States could be represented in the convention at Baltimore, and at the same time preserve their honor untarnished and not have their present high moral position demoralized and degraded.

"Now as to the Richmond convention, he believed that if the Southern States or even the cotton States, responded to the call and had their delegates on hand, it would be in the power of that convention to exert a vast influence over the Baltimore convention and the whole country. If that convention would agree upon a ticket of national and truly constitutional men, and plant them upon the late majority platform, it would be accepted and endorsed by a large number of the delegates who are to assemble at Baltimore, and go forth to receive the support of the Democracy and the constitutional men of the land generally. Even the warm supporters of Douglas would pause in their insane political course, and would be controlled by the prospective loss of the 'loaves and fishes,' the offices, to shift their sails to the popular breeze put in motion at Richmond."

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[25] *Advertiser and State Gazette,* May 16, 1860.

But all of the influential men of the South were not of Mr. Yancey's opinion. In May, immediately after Mr. Yancey had made this speech, nineteen representatives of the Southern States at Washington issued an address to the people of the South, urging them to send delegates to Baltimore.[26] In this address they said:

"In the subsequent proceedings of the convention, however, we think that distinct intimations may be discerned of a disposition on the part of the convention to recede from its determination and afford, either by an amendment of the platform or in some other manner equally satisfactory, such recognition of principles as would effectually obviate misconstruction and secure the harmonious action of the party, and that it was only because of these intimations that the delegations of the remaining Democratic States consented to join in the ballots which took place with no other effect than to induce an adjournment to Baltimore to the eighteenth of June, whilst the seceding delegates adjourned to meet at Richmond on the second Monday of the same month."

They thought it their right and duty, as there was no insuperable obstacle to prevent the restoration of the party, to unite their efforts, with those of their Democratic brethren, to secure the triumph of their principles.

Continuing they said:

"It is plain that if the convention shall at Baltimore adopt a satisfactory platform of principles before proceeding to select its candidates, the reason which dictated the withdrawal of the delegations of the eight States will have ceased, and no motive will remain for refusing to unite with their sister nor for holding an adjourned meeting at Richmond. On the other hand, if the convention, on reassembling at Baltimore, shall disappoint the just expectations of the remaining Democratic States, their delegations cannot fail to withdraw and unite with the eight States which have adjourned to Richmond. In either event there would be unanimous action in support of our principles by all the States which can be relied on for casting Democratic electoral votes."

They believed that the wise and prudent course to pursue now was to defer the assembling in Richmond until the necessity of such meeting should become imperative. They said Texas and Virginia and the other Southern States, which had not withdrawn

[26] *Advertiser and State Gazette*, May 23, 1860.

from the Charleston convention, could not hold State conventions and express their views authoritatively upon this question in time to send delegates to Baltimore; and it would be impossible to unite the Southern States and secure that harmonious action so necessary for the preservation of the Democratic party upon constitutional principles.

In view of the position taken by these representatives and the policy adopted by Mississippi and Louisiana, Mr. Yancey changed his views about sending delegates to Baltimore. In the convention held June 4, 1860, to nominate delegates either to Richmond or to Baltimore, he said,[27] that:

"His views on the policy to be pursued had undergone a change, and he should feel it a duty he owed to the Democracy of the State and of the cotton States, and of the Union, to support the majority report. He felt constrained to do so by the position taken by Mississippi, Louisiana, and Georgia—a position which had been clearly foreseen since the address of certain Southern senators and representatives, which had been published."

He thought the best policy to pursue was for the Richmond convention to adopt the majority platform reported to the Charleston convention, and nominate some such man as Davis, Lane, Hunter, or Guthrie, and adjourn *sine die.* But, he said, Alabama is precluded from adopting this policy by the fact that Mississippi and Louisiana have adopted a policy to accredit their delegates both at Richmond and Baltimore. He thought it true wisdom on the part of the cotton States to pursue such a policy, and preserve their unity of action in the support of the rejected majority platform, for a division of those States in convention at Richmond upon a mere policy, involving no constitutional principle, would be disastrous to the success of their principles within the Union. He thought the highest attainable policy was to preserve the unity of the cotton States and to preserve the unity of the national Democratic party upon constitutional principles.

He thought Alabama could consistently adopt this policy, that the State would not be backing down from her lofty position, because of a wise provision, made by the State Democracy in the

[27] *Advertiser and State Gazette,* June 13, 1860.

January convention leaving this question to the executive committee to decide what was best to be done in case the Alabama delegates should withdraw from the Charleston convention. "Thus, no previous action of the party commits it to a policy which would make its secession at Charleston a final parting with that party."

He said that this policy would not in the least commit the people of Alabama to the abandonment of the principles of the January State convention because the present resolutions gave to the Alabama delegates at Baltimore the same instructions that had been given the delegates to the Charleston convention.

To understand the final results of the political policy put in motion by the Alabama delegates at Charleston, we must trace the action of the subsequent Alabama State conventions, which sent delegates to Baltimore, and the action of these delegates there.

Pursuant to the call of the executive committee,[28] which the Democratic State convention of January said should be appointed "to decide what is best to be done," the Yancey wing of the Democratic party met in convention in Montgomery, June 4, 1860, and unanimously adopted the following platform of resolutions:[29]

"1. That we do hereby reaffirm the platform of principles adopted by the Democratic State convention in January last.

"2. That the action of our delegates to the Charleston convention in withdrawing from that body, was in accordance with their instructions, was right in itself, and meets our unqualified approbation.

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[28] In accordance with the provision made by the Democratic State convention of January, that the executive committee, in case the Alabama delegates should withdraw from Charleston, should call a convention of the Democracy of Alabama "to consider what is best to be done," the committee appointed issued the following call:

"The delegates from the State of Alabama having withdrawn from the Charleston convention, the undersigned, in obedience to the late Democratic convention of this State, and by its authority and in its name, do hereby call a convention of the Democracy of Alabama to meet in the city of Montgomery on the first Monday in June next, being the fourth day of June, 1860, then and there 'to consider what is best to be done.'

"And we exhort the Democracy in each county of the State to hold primary meetings and select delegates to represent them in said convention.

"The Democratic papers throughout the State are requested to insert this call. Signed by Executive Committee.—*Advertiser and State Gazette*, May 30, 1860.

[29] *Montgomery Daily Mail*, June 5, 1860.

"3. That our delegates, in consenting to accept the platform of principles contained in the report of the majority of the committee on resolutions, in that convention sacrificed no principle, and acted in conformity with their instructions, and we are willing to meet the Democracy of the United States on that platform.

"4. That we approve the recommendation of our delegates and those of other States concurring with them at Charleston, to hold a convention at Richmond on the 11th of June. And reposing full confidence in the States which shall be represented in that body, we do hereby instruct our delegates to repair to Richmond and co-operate with the delegates of that convention in whatever line of policy may be agreed upon, best calculated to preserve our principles and constitutional rights. To this end, anxious, if possible, to preserve the integrity of the Democratic party upon principle, accredit them to the convention to be held at Baltimore on the 18th of June, under the instructions contained in the resolutions adopted in the Democratic State convention held in the city of Montgomery on the 11th day of January last."

Nearly all the original delegates to Charleston were selected as delegates to the Richmond convention, the only exception being in cases where the delegate had gone over to the other wing of the party, as for instance Winston, who had gone over to the Seibels-Forsyth wing.

Through the Montgomery *Confederation,* the Huntsville *Advocate,* and the Mobile *Register,* the Seibels-Forsyth wing of the Democratic party of Alabama issued the following call for a convention to nominate delegates to Baltimore:

"Fellow citizens: The aspect of political affairs is ominous of trouble and injury to the good of the people of the States. The only National party faithful to the Union is threatened with disorganization.

"We consider it incumbent on all those who are in favor of the perpetuity of the institutions of the government, the integrity, power and authority of the Democratic party, to meet in convention in their respective counties, to appoint delegates to a State convention to assemble on Monday, the 4th day of June next, for the purpose of appointing delegates to meet the National Democratic party in convention at Baltimore, to assemble on the 18th of June, to nominate a candidate for president and vice-president of the United States, who may be able to save the government from the hands of those who will not regard our constitutional

rights, and be the means of securing the perpetuity of the constitution and the union."[30]

This call was signed by Winston, Forsyth and others. In accordance with it a convention met in Montgomery on June 4, for the purpose of selecting delegates to represent Alabama in the convention to be held in Baltimore on June 18. It unanimously adopted a platform which endorsed the Cincinnati platform and the Dred Scott decision in regard to slavery.[31]

The delegates nominated by it, when they got to Baltimore, presented an address to the national Democratic party there assembled, in which they set forth the following claims for their admission:[32]

First, the remnant of the Charleston convention had requested the States to elect delegates to fill the vacancies made by the withdrawal of the Southern delegates. There was a vacancy in Alabama, and they therefore had full authority to elect delegates to this convention. They said the convention, which appointed them, assembled to send delegates to Baltimore and to no other place; and that their delegates had met the national Democratic party to protect the rights of the people and had agreed to abide by its action.

Second, that the Yancey wing could not fairly claim to do this because they had uniformly endorsed the Richmond convention; and had denounced the Baltimore convention, and until the very last moment, had refused to send delegates at all to it.

Third, they claimed that their appointment was as regular as that of the Yancey delegation, who had been appointed by the convention of June 4, which had met upon the call of the executive committee. They said that the resolution adopted by the State Democratic convention of January, 1860, providing for the appointment of an executive committee "to decide what was best to be done," did not prescribe how this committee should be appointed, and, in fact, the official record of the proceedings of that convention did not show either that the mode of appointing was decided upon, or that the committee was appointed at all. They

[30] *Montgomery Confederation*, June 29, 1860.
[31] *Montgomery Daily Mail*, June 7, 1860.
[32] *Montgomery Confederation*, June 29, 1860.

said the record showed that the convention adjourned *sine die* without appointing that committee. It was several weeks after the adjournment of the convention before any attempt was made to repair the omission, and then the defunct president of a defunct convention nominated that committee through the newspapers. "We hold," they concluded, "that the functions of the president of that body ceased with its dissolution; and that he had no power to correct any of the mistakes of its record."

The Douglas delegates from Alabama were admitted to seats in the Baltimore convention, and the Yancey delegates were excluded.[33] The same thing was done in regard to the Douglas delegates from Louisiana. On being refused admittance, the Yancey delegates from Alabama and those of the other Southern States who belonged to the protection wing of the Democratic party, assembled and formed a separate and distinct convention. This convention unanimously adopted the platform reported to the Charleston convention by a majority of the committee on resolutions, and nominated John C. Breckenridge, of Kentucky, for president, and Joseph Lane, of Oregon, for vice-president.

The other convention nominated Stephen A. Douglas, of Illinois, for president, and Benjamin Fitzpatrick, of Alabama, for vice-president, upon the platform adopted by the Charleston convention with the following additional resolution:

"That it is in accordance with the interpretation of the Cincinnati platform, that, during the existence of the Territorial governments, the measure of restriction, whatever it may be, imposed by the Federal constitution on the power of the Territorial legislature over the subject of the domestic relations as the same has been, or shall hereafter be, finally determined by the supreme court of the United States, should be respected by all good citizens, and enforced with promptness and fidelity by every branch of the general government."

Fitzpatrick refused to accept the nomination, and Herschel V. Johnson, of Georgia, was nominated for the vice-presidency.

All students of American history are aware of the fact that this was the final disruption of the National Democratic party, and no doubt gave the Republican party its ascendency in national poli-

[33] *Montgomery Daily Mail*, June 21, 1860, and June 23, 1860. See also *Official Proceedings*, Baltimore, 1860.

tics. It was the severing of the last tie that bound Southern Democrats to Northern Democrats. It is possible that, if the disruption of the Democratic party at this time could have been prevented, the Republicans might have been defeated and the great Civil War might have been deferred, if not averted.

X. PERSONAL RECOLLECTIONS OF THOMAS HORD HERNDON, WITH REMARKS UPON HIS LIFE AND CHARACTER.

By Sutton S. Scott,[1] Auburn, Ala.

The present sketch is the last of several written by me with regard to old Alabama friends, who have risen to distinction—some more decidedly than others, of course—in her councils during the last half century. Permit me to say I am glad they have been written; although none of them have altogether satisfied me. I have always in these papers fallen far short of producing the life-like pictures of the men sought to be drawn and the times which they served and adorned, that existed, and indeed still exist in my own mind. But such writings, however imperfect in execution, if facts be plainly stated and without exaggeration, are ever beneficial; they not only furnish good material for history and examples for youthful guidance, but they serve and this is no unimportant consideration—to encourage our public men in the right performance of the right sort of work. In short, all biography—the humblest as well as the best—suggests to such men what may be said of them after death, and is consequently an incentive, outside of the consolation to be derived from well-doing, to firmness, courage and patience in treading the rugged, precipitous and often storm-swept path of duty.

It was at the opening of the session of the Alabama legislature (1857-8) in Montgomery, that I first met Thomas H. Herndon.[2]

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[1] For sketch of Col. Scott, *see Trans. Ala. Hist. Society*, 1899-1903, vol. iv., pp. 313-314, *note*.—Editor.

[2] Herndon was of excellent parentage. His father belonged to the noted family of central Virginia Herndons, and his mother to the equally noted family of South Alabama Toulmins. Her father, indeed, Judge Henry Toulmin,—was a distinguished man in three States,—in Kentucky, where he first settled, he was secretary of State: in Mississippi, to which he subsequently removed, he occupied high judicial positions; and the same was true of his status in Alabama, where he at last was permanently located—being engaged toward the close of his life, by act of the legislature, in making a digest and compilation of its laws.

Herndon was born July 1, 1828, at Erie, then of Greene, now of Hale county, in the very heart of the great Alabama Black Belt. He obtained his degree of bachelor of arts from the State University at Tuscaloosa

He was a member of the House from Mobile, and I, from Madison county. Both of us being young men—he was the elder by nearly two years—and both young legislators, our acquaintanceship speedily ripened into a friendship which became so much strengthened by close and intimate association during the session, that the tie thus formed continued without break or jar, until he passed out of earth more than twenty-five years thereafter. Our seats in the house adjoined, and, for a large part of our legislative connection, we occupied rooms on the same floor, in easy reach of each other, at the historic Exchange hotel.

Herndon, without any effort on his part in that direction, was soon at the head of the young men of the House, many of whom were highly cultured and brilliant; and he did much toward shaping the legislation of the State. Mobile, as the metropolis of Alabama, asked in behalf of her people, many changes in, as well as additions to existing laws, some of which were of far-reaching importance. At the head of her delegation in the House was a veteran lawyer,—William Giles Jones,—who became chairman of the judiciary committee; and yet I doubt, if this old, able and popular legislator, with the chief committee of the House behind him, did more toward securing the needed legislation for Mobile, than was done by Herndon.

Only a few words more with regard to Herndon in that legislature. It may be well to premise that the sessions were biennial—having been changed from annual sessions by amendments proposed to the constitution in 1845. At least it was so understood. A large part of the members of both Houses, at the session under consideration, were desirous of providing for a return to annual sessions; and a bill had been introduced into the House of Representatives for the purpose. Almost all the younger members favored the bill, indeed were anxious for its passage, and considerable pressure, to my knowledge, had been brought to bear upon Herndon to obtain his active co-operation. But when the bill came up for consideration, Herndon took the floor against it.

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in 1847, and that of bachelor of laws from Harvard College, Cambridge, Massachusetts, in 1848. Soon thereafter (on December, 1848,) he was married. For a short time he practiced his profession in his native county; but his home for the greater part of his life, after he reached manhood, was in the city of Mobile,—amid the cultured society of which he took high rank socially, politically and at the bar.

From his remarks it appeared, that he had gone back to the old files in the office of the secretary of State, and discovered what he esteemed to have been a fatal error in the constitutional work of 1845 to bring about the change from annual to biennial sessions; in other words, he found that no provision, according to his judgment, had been properly made for the change from annual to biennial elections; that although, as he reasoned, the sessions under the Acts of 1845, etc., were biennial, the members were elected for but one year; and that consequently, if the bill under consideration, became a law, with no provision for annual elections (an amendment to that effect having been voted down), when the time came for the next legislature to meet under the bill, there would be no members constitutionally entitled to seats. His argument against the measure based upon the facts given, was urged with much clearness and force. The bill nevertheless passed both the House and Senate. Grave doubts as to its soundness, however, it should be added, were created in the minds of many of the members by Herndon's speech. The same sort of doubts were entertained by Governor Moore, when the bill came before him, and on account of them he vetoed it, while he acknowledged in his message, that he was in favor of the object sought to be accomplished by the bill—a return to annual sessions of the legislature. The governor also suggested in his veto message the propriety of resolutions being at once adopted (I quote his words) "proposing amendments to the constitution, effecting the objects of this bill, in order that the doubts and difficulties, under which we are now laboring, may be removed and that the people may be able to understand the supreme law of the land."

I think it was during the spring or summer of 1860 that Herndon made a short and hurried visit to Huntsville to see me, and some others of his friends in North Alabama. While there, at our solicitation he consented to address the people of Madison county upon the political issues of the day. The circuit court room in the court house, which had been selected as the place for the speech, was on the occasion well packed with people largely made up of the two bitterly warring factions of the Democracy, who afterwards voted for Breckenridge, on the one hand, and Douglas on the other, among whom were intermingled a few members of the American party, who afterwards voted for Bell.

I have but a vague and misty recollection of the speech. (Bear in mind it was made almost half a century ago, and that in these remarks, I am depending altogether upon my memory;)—I know, however, the speech was characterized throughout by genuine unadulterated southernism, backed by solid fact and argument, and was calm, yet forcefully delivered. I know that the State rights Democrats present were delighted with it; and I am sure there was left upon their minds as upon mine, the impression of the speaker being one of the truest of Southern men—one who loved his native State with his whole soul, mind and strength—a love, I should add, which was subsequently most signally illustrated in heroic deeds on the blazing crest of battle, and afterwards amid the gloomy, sombre, and disaster-brooding shadows of congressional reconstruction.

There was a most interesting incident connected with this speech. As soon as Herndon left the stand, a young man was invited to it, whom I had never before seen. He had dark hair, which he wore long, dark eyes, a spirited expression and a gallant bearing. While Herndon had spoken coolly, dispassionately and convincingly of the wrongs of the South and Republican aggression, the stranger spoke of them with much warmth, and now and then, with a burst of rare eloquence. While Herndon's speech had been the grave and statesmanlike utterances of a sedate and self-poised senator, the stranger's speech (although he was apparently but two or three years younger than the former), was the words of a well-grown and brilliant boy just out of the schools, jumping to his conclusions with graceful and confident enthusiasm—the whole being expressed with an impassioned and truth-loving force, that carried his hearers irresistably along with him. That was the introduction to me, and no doubt to most others in that audience, of him who, in a few years, was widely known, admired and loved, as Lieutenant-General John B. Gordon.

About eighteen months after this visit to Huntsville I met Herndon in Montgomery, he, as a member of the constitutional convention of the State, which carried Alabama out of the Union, and I, as a member of the legislature convened in extraordinary session by Governor Moore. He occupied no inconspicuous position in that august body, composed, as it was, of many of the most

prominent men in the State. His course was marked by that coolness, dignity and well weighed consideration of all important measures, which were ever the case with him in his varied legislative experiences. On the 11th day of January, 1861, the ordinance of secession was adopted. Herndon voted for it of course. He could not have done otherwise, for he sincerely and honestly believed it to be the only remedy for existing evils; and to its maintenance he unhesitatingly pledged his life, his fortune and his sacred honor.

When the war broke out he was among the first to take the field. He was soon elevated to the colonelcy of his regiment, the Thirty-sixth Alabama—and he served in that capacity until the war closed. It is hardly necessary to say that he was a gallant soldier, whose watchword was duty, in the discharge of which death had no terrors for him. He was often wounded—twice severely—once so desperately (making his life ever after one long, unbroken malady), that he could, with good reason, perhaps should, have retired from the army, but no thought of such a step, I am sure, ever entered his mind; he was in the war to stay as long as he could mount a horse or wield a sabre. I have said he was often wounded. Indeed I have heard it stated, that he never took part in a battle—even a skirmish—that some rifle of the Yankees did not seek him out to stop its bullets. I think it was from his own lips that I obtained the facts with regard to the manner in which he received his most serious wound. He was on horseback at the head of his regiment, when he felt the ball strike just below his breast bone. It made him deathly sick, and swaying to and fro from weakness, he managed to dismount. Some of his old soldiers close by observing the action, with a shout to those around—"Colonel Herndon is hit again"—rushed to his assistance. As his feet touched the ground he heard something fall in the leaves behind him. When found and picked up, it was discovered to be the ball. Then it was, knowing that the missile had passed entirely through his body, that he supposed the end for him had come at last, and that he would never be permitted to see home and wife and children again. For some months, indeed, he engaged in a hand-to-hand struggle with death—now one, then the other, was uppermost, finally, however, he sufficiently recovered (but as before intimated he was never a

sound man again), to bless for nearly twenty years, that home and family so dear, by his tender ministrations, and the State by public services, which it had never before more sorely needed.

In 1872 Herndon was selected as the Democratic candidate for chief executive of the State. Among those who competed with him for the nomination was William C. Oates—a strong man—who (1894) became governor of Alabama, after having served many years, with distinguished ability, as a member of Congress from the Third district, now so successfully represented by Henry D. Clayton.

The State was barely Democratic at the time Herndon was made a candidate for governor; yet but little doubt was entertained by his friends with regard to his election. His Republican opponent in the race was David P. Lewis, a lawyer of North Alabama, well known throughout that section and personally popular. Lewis was elected by a small majority. And in its results a most unfortunate—a most disastrous election it was; for leaving out of view Herndon's supreme fitness for the position, that election brought into being the so-called court house legislature with its attendant corruptions, and secured the return (not the re-election) of the notorious George E. Spencer, a carpet-bagger of the most pronounced type, to the seat in the United States Senate, which he had dishonored for the previous six years. That election, in short, was responsible for many other black and cowardly wrongs inflicted by reconstruction upon the suffering people of Alabama. Reconstruction! Reconstruction! How innocent the word in its ordinary signification. But what a world of terrible meaning it has for every old-time son and daughter of the South! To them what dark, funereal, ghostly and ghastly thoughts are suggested by the mere mention of the word—Reconstruction! Charles Dickens forcibly says that the life of Henry Tudor was a foul blot of blood and grease upon the history of England. Reconstruction, when accurately portrayed, and all its various repulsive lines clearly and honestly drawn, will be pronounced a huge blot of the vilest dirt upon the history of America.

I saw but little of Herndon after this contest until we met in Mobile during the spring of 1875. I was there in response to an invitation from the Ladies' Memorial Association of that city to assist in paying the customary annual tribute to the Confederate

dead. Herndon, no doubt, suggested that the invitation be given me. I pause here to say (for the fact speaks volumes as to the love of the Mobile people for the "Lost Cause," and the men who died to defend it), that it was in their beautiful cemetery, at the base of the splendid Confederate monument, which had just been erected, that I, on that occasion, for the first and only time in my life, had the honor of addressing acres of people. It seemed indeed that almost the whole of the population of Mobile was crowded about and around the soldiers' graves, upon which they had heaped pyramids of flowers. Speaking of flowers suggests that I must ask permission to pause for another moment, to notice one tribute to the memory of those dead Confederates, which was most beautiful in conception, act and tendency; it was a great wreath made up of the richest and brightest gems of the hothouse, exquisitely arranged, which had been hung upon the Confederate monument by the Federal officers of Fort Morgan.

I was Herndon's guest for the short time I remained in Mobile on this interesting occasion. I thus had an opportunity of seeing something of his life at home. I had met Mrs. Herndon before at Montgomery—during the legislative session of 1857-8. I also had the pleasure at the same time and place of meeting her father, Dr. Abram F. Alexander, grandson of Abram Alexander, president of the convention that promulgated the celebrated Mecklenburg declaration of independence. I was thrown with him quite often in the brilliantly lighted (I mean by the eyes of lovely women!) parlor of the Exchange—that hotel then being the usual stopping place of much of the beauty of the State when visiting Montgomery. Dr. Alexander was a great ladies man. I simply wish by the somewhat hackneyed phrase, to convey the idea that his estimate of female character was very high, and that he loved to be with fine women. I never knew a man of this kind, who was not a thorough gentleman.

Mrs. Herndon was a true daughter of the South, not only in manner and appearance, but in quality. Much taller than the average woman, she was splendidly developed, active and graceful in movement, with finely chiseled features, and an expression both spirited and winning. She was only sixteen and Herndon twenty, when they were married in 1848. Their's was truly a love match. The flame of affection which lighted up the marriage

altar never waned amid the trials and turmoils of after life—it continued to shine serenely and brightly to the end. That home-life of Herndon in Mobile was throughout a pleasing revelation to me. Over it presided the genius of fond and trustful affection, under whose sheltering wings nestled peace, comfort, refinement and happiness.

Herndon and I took several long walks about the city during my stay. Everybody seemed to know him, and he was evidently a favorite of everybody. Friendly greetings were almost constantly being exchanged between him and the passers-by—young and old, women and men, white and black. I was prepared after these walks to fully appreciate what was so feelingly said a few years thereafter with regard to his burial in Mobile by one who was present: "He (Herndon) was no great orator, whose words had rung over the Union. He was no dead president; none came out of curiosity to see the face of the great man for the first time; but every home in that city seemed as silent as the grave. Its more than thirty thousand people had gathered to bury a dear familiar friend. One impulse animated all; everywhere the paraphernalia of woe; everywhere flowers, tokens of affection; in every face of high or low, rich or poor, the signs of sadness and sorrow. It was a touching sight to see the merchant, the lawyer, the laborer, the old and the young, the white and colored man pass, one by one, around the coffin, each taking a last look at the face of him, who was a friend to all."

But let us go back to the year 1875. A short time after this visit to Mobile, Herndon and myself met at the capitol in Montgomery as members of the constitutional convention. The city at the time was beginning to awake from the long lethargy, which had settled upon its energies under the deadening rule of reconstruction. The same was true of the whole State. George S. Houston, the honest man, the unflinching Democrat, the broad-minded statesman, the tireless worker in the interest of his people, was governor—George S. Houston, of whom and of whose gubernatorial labors, no patriotic Alabamian can think without the most elevated and elevating sentiments of pride and affection.

Leroy Pope Walker, the first Confederate secretary of war, was president of the convention. He was a man of many vir-

tues and great abilities. In him was to be traced, however, a singular combination of opposing qualities. The Napoleon of the Alabama bar and one of the State's most gifted statesmen, he was yet in despite of multitudinous "rough and tumble" struggles in the courts and on the hustings, as delicate in his feelings and as sensitive as a woman. A man of decided courage physically, he was nevertheless morally very timid. He was, however, everywhere, at all times, and under all circumstances, a finished gentleman.

There was a great work before the convention. The old Republican constitution of reconstruction days had to be blotted out and a wholly new constitution adopted. This demanded wise and considerate management, as the needs of the State had to be met and satisfied with an unsleeping eye, at the same time, to the final ratification of the convention's work by the people. Among the cool and level heads of that body—and there were in it many such—no one was cooler and as Carlyle would have said "more at one with himself" than the subject of this sketch. While, in constructing the constitution, he never advocated or favored any provision of doubtful propriety, and while he was willing to be guided by policy with regard to measures fraught with no material or serious damage to the State, he never allowed the question of subsequent ratification to have the least weight with him when the measure under consideration was one deemed by him necessary and important. Evidences of Herndon's influence can be detected in many parts of the excellent instrument, which was offered by the convention to the people of Alabama and gladly accepted by them.

I call to mind a little incident during the session, which illustrates not only Herndon's coolness, but the tenacity with which he adhered to his convictions. We were sitting together one night in his room at the Exchange when a messenger hurriedly entered and told us that President Walker of the convention wished to see us at once. His room was on the same floor with ours; and there were several other members of the convention, it should be said, who were also guests of the Exchange. When Herndon and myself reached the president's room, we found that these members had likewise been summoned, and were present. They were listening to a talk from a leading Democrat of the

State, setting forth his objections to a clause recently adopted by the convention. A few of the members, among whom was President Walker, were evidently uneasy. The distinguished speaker in the course of his remarks, said that he had just come from the section especially interested in the clause; that over there the people were greatly dissatisfied with it, too; and that, if it were not reconsidered, he would take the stump against the ratification of the constitution. This threat was made under the pressure of sudden heat and excitement. It was, however, most injudicious, whether seriously intended or not. When made Herndon rose from his seat, pulled his hat down over his brows and deliberately walked out of the room. Some of the other members soon followed him. He afterwards told me that the clause while not exactly what the convention wished, was the best that could be provided under the circumstances, and that he had no idea of sitting quietly under a lecture as to his official doings barbed with a threat. To show that the objectionable remark, however, as before suggested, was impulsively and unthoughtedly made, it is sufficient to say, that the clause was not changed and nothing further was ever heard of the matter.

Herndon was subsequently three times elected to Congress from the Mobile district. I saw and had a few minutes talk with him in Montgomery soon after he was elected the first time. He was walking with William J. Samford and C. M. Shelley—two other worthy contributions on the part of Alabama to congressional membership—when we met,—and parted. That parting was final; I never saw him again. He served two terms in Congress with honor. He never took his seat for the other term to which he had been elected. From disease caused by his old wounds, after much suffering bravely and patiently endured he died at Mobile, March 28, 1883, in the fifty-fifth year of his age. Although cut down in the prime of life, he yet, as I have endeavored to show in this paper, had opportunities, which he always seized, of doing much hard and valuable work for his State —work that is highly appreciated by those acquainted with his history; and he left behind him a reputation for intellectual and moral purity, of which his native Alabama is justly proud.

My estimate of the character of Herndon can be gathered from what I have set down in these "Recollections." That it is not

materially biased by the fact of our friendship having extended over many of the most interesting years of our joint lives, I beg to point to the utterances of one, who was not an Alabamian, nor a Democrat, nor an old friend, but one who had known him but a few years and was as widely separated from him in politics as were their homes geographically. In the little volume of addresses on Herndon's life and character, in Congress, after his death, I find that Mr. Horr, of Michigan said: "For two years I served with Mr. Herndon upon the committee of commerce. It was a laborious committee. I had there opportunities to meet him almost every day of the session; for in the Forty-seventh Congress we were at work constantly on that committee. In that way I think I learned more of his character than I could have learned by meeting him on the floor of the House in perhaps ten years' service. During those entire two years, I do not recollect a single instance of any thing but the most pleasant relations between Mr. Herndon and every member of the committee. And what is perhaps still stranger, while he and I differed as widely as two men could differ on questions of politics, I do not now remember to have had the least difference with him on any question of business, and that committee as you all know, was devoted entirely to business, to the development of the business interests of the country.

"I very well remember the last time I ever saw him. The committee had been postponing for days matters which pertained to his State and district on account of his illness, in order that we might learn from him his wishes as to the different matters before the committee. He finally came in—feeble, but with the same quiet unobtrusive manner that so attached to him every member of the committee. And I recollect as he went over the list and pointed out the instances in which his people were affected by the legislation we were proposing, how careful and conscientious he was to demand only what his people ought to have. And I reveal no secret of the committee when I say, that in a list of twenty requests we adopted without a dissenting voice every one of his recommendations. He was a safe man to follow. He was a man whose head was level and whose judgment was accurate on questions of public business or public policy."

I would like to give extracts from the "memorial addresses,"[3] in that volume, of Morgan, Pugh, Oates, Herbert, Jones (Herndon's immediate successor), Forney, Shelley, Culbertson of Texas, Dowd of North Carolina, Gibson of Louisiana, Henderson of Illinois, Jones of Florida, and Randall of Pennsylvania—at any rate from some of them—but I forbear. Perhaps I have said enough. I cannot conclude, however, without stating that all the addresses I have mentioned are admirable—worthy of the distinguished speakers and the distinguished subject—are really gems of mortuary eloquence; or rather, taken together they are a veritable bouquet of literary flowers—none distorted or lifeless—but all fresh, genuine and natural—sweet in truthful fragrance, and radiant in truthful bloom.

[3] Memorial address on the life and character of, etc., 1884. 8 vo. pp. 70, *portrait.*

INDEX

Act incorp. Ala. Hist. Soc. 8.
Alabama and the Charleston Con. of 1860, by J. L. Murphy, 239.
Alabama Historical Society.
  Act incorporation, 8.
  Annual address, 33.
  Constitution, 9, 10.
  Officers, 7.
  Necrology, 19, 23.
  Proceedings, 13.
  Secretary's report, 18.
  Treasurer's report, 21.
Alabama, U. S. Senator from
  Incidents of election, 1857-58, 43.
Alabama university
  Selection of faculty, 85.
  Opening, 96.
  Selection of site, 83.
  Early students, 97.
Annual address, 1905, 33.
Ante-bellum southern commercial con., by W. W. Davis, 153.
Archives and history, Dept. of Ala., 18.
  Commended, 41.
Arrington, Thomas M., 242.
Ashe, Miss Julia, 105.
Ashe, Pascal Paoli, 105.
Baltimore Nat. Dem. Con. of 1860, 255, 262, 265.
Bank of Alabama.
  Burning of notes, 1857-58, 51.
  Debt commission appointed, 1845-46, 52.
  Insolvency, 1845-46, 52.
  Legislation attempted, 1857-58, 55.
  Lyon, Francis, debt comm'r, 52.
  Whiting, John, debt comm'r, 53.
Bibliography
  Cunningham, Dr. R. M., 33 n.
  Campbell, John A., 137.
Birney, James G.
  Selects first faculty of U. of Ala., 85.
Bradley, A. Q., 45, 47.
  Scott's reminiscences of, 80.
Brown, A. V., 217, 218, 230.
Bullock, Miss E. M., 15.
Bullock, Edward C., 44, 46.
  Scott's reminiscences of, 48.
Calhoun, A. P., 185, 205.
Calhoun, John C., 157, 203, 205, 212, 236.
  Influence on Nashville Con. of 1850, 203, 207.
  Letter to Col. Tarpley of Miss., 207.
  Pres. Memphis Com. Con., 167, 169.
Campbell, John Archibald, 218.
  Bibliography, 129.
  Biographical sketch, 107 n.
  Letters, 138.
  Sketch, by George W. Duncan, 107.
  Comm'r to Hampton's Roads conf., 131.
  Delegate to Nashville con., 121.
Asso. Just. of U. S. supreme court, 108.
  Resigns justiceship, 111.
  Judge in trial of Gov. Quitman of Miss., 114.
  Judge in trial of Wm. Walker, 117.
  Practices law in New Orleans, 134.
  Personal qualities, 136.
  Mentioned for presidency of Charleston con., 118.
  Asst. sec. of war, Conf. States, 130.
  Opposed to secession, 118.
  Seward and the evacuation of Ft. Sumter, 125.
  Advocates reform in slave laws, 109.
  Liberates slaves, 111.
Carnegie Institution.
  Report to on Ala. Hist. Soc., 19
Chapman, Reuben, 228.
Charleston Nat. Dem. Con., 1860, 239.
Clarke, James Simeral, 45.
  Scott's reminiscence of, 51.
Clitherall, Alexander B., 44.
  Scott's reminiscence of, 79
Commercial Convention, Southern, 153.
Constitution of Ala. Hist. Soc., 9.
Conventions.
  Ala. State, Jan. 11, 1860, 239.
    Resolutions, adopted, 244, n.

Ala. State, Je. 4, 1860, 259, 262.
Resolutions, adopted, 262.
Baltimore Nat. Dem., 257, 262.
Charleston Nat. Dem., 1860, 239.
Jackson (Miss.), 1849, 203, 208.
Resolutions adopted, 209.
Nashville of 1850, 203.
Railroad at New Orleans, 175.
Southern Commercial, 153.
Cunningham, Dr. R. M., 15, 16, 17.
Annual address, 33..
Bibliography, 33 n.
Sketeh of, 33 n.
Cunningham family, genealogical notes on, 33 n.
Curry, J. L. M., 51.
Davis, Wm. W., 16.
Ante-bellum Southern Commercial Conventions, 153.
Dawson, Wm. C., 177, 179, 180.
DeBow, J. D. B., 175, 184.
Democratie Nat. Con.
Baltimore, 1860, 252, 261, 263,
Charleston, 1860, 239.
Drummond, Henry T., 45.
Scott's reminiscenees of, 69.
DuBose, J. C., 7.
Duggar, Reuben H., 7.
Dunean, George W., 15, 16.
John Arehibald Campbell, 107.
Sketeh of, 107 n.
Duval, Gabriel B., 242.
Eeonomie eonditions in the South prior to the War, 153, 154, 165.
Elmore, Miss Laura, 16.
Feagin, Wm. F., 17.
Finanees of Ala.
See Bank of Ala.
Financial eonditions in Ala., 1857-58.
Burning of old State Bank notes, 51.
Effect of foreign currency in State, 55.
Fitts, James H., 104.
Forsythe, John, 47, 240.
Scott's reminiscences of, 78.
Foster, James C., 19, 23.
Foster, Joshua Hill, 19, 23.
Gadsden, James, 163.
Garrett, Wm. R.
Death noted, 19.
Goodwyn, R. Tyler, 7.
Greene Springs school for boys, 104 n.
Sketeh, 100.
Hale, Stephen F., 45, 47.
Scott's reminiscenees of, 58.
Hamilton, P. J., 7.
Harris, Stephen W., 45.
Scott's reminiscences of, 70.
Hayne, Robert Y., 160, 163.
Herndon, Dallas T., 16.
Nashville Convention of 1850, 203.
Herndon, Thomas Hord, 45.
Personal reeollections of, with remarks upon his life and charaeter, by Sutton S. Scott, 56, 267.
In Ala. Leg., 1857-58, 267.
Col. 36 Ala. Inf. Regt., 271.
Member U. S. Congress, 276.
In eonst. con., 1861, 270.
In const. eon., 1875, 274.
Candidate for gov., 272.
Scott's reminiscences of, 56.
Sketeh of, 267 n.
Herndon family, genealogical notes on, 267 n.
Hill Hardy F.
Death noted, 20.
Hilliard, Henry W., 86, 243.
Prof. of English Lit. at U. of Ala., 97.
Compared with Henry Tutwiler, 97.
Views on slave trade, 186.
Historieal Interpretation, annual address by Dr. R. M. Cunningham, 33.
Hobbs, Thomas H., 45, 47.
Scott's reminiscenees of, 50.
House of Reps., Ala., 1857-58.
List of members, 45.
House of Reps., Ala., 1859-60.
List of members, 46.
Hubbard, David, 47.
Scott's reminiseences of, 77.
Huckabee, Robert D., 45, 47.
Scott's reminiscenees of, 66.
Hudson, William W., 86.
Hull, Asbury, 165.
Irby, Thomas E., 45, 46.
Scott's reminiscences of, 57.
Jackson, C. M., 45, 56.
Jelks, Wm. C., 7.
Jemison, Robert, 44, 46.
Scott's reminiscenees of, 81.
John, Sam'l Will, 7.
Johnson, George D., 45.
Scott's reminiseences of, 59.
Jones, Wm. G., 45, 55.
Judge, Hilliard M., 207.
Kansas affairs.
Aetion of Ala. Leg., 1857-58, 63.
King, Thomas Butler, 160.
Laird, Hervey W., 16.
Lamar, Mirabeau B., 181.

Lanier, Clifford A., 7.
Legislature of Ala., 1857-58.
House of Reps., 45.
Senate, 44.
Legislature of Ala., 1859-60.
House of Reps., 46.
Senate, 46.
Letcher, John T., 7.
Lowe, Robert J., 47.
Scott's Reminiscences of, 72.
Lyons, Francis S.
Chairman Ala. Dem. Con., 1860, 240.
Debt Comm'r 1847-54, 52.
Scott's reminiscences of, 53.
McCalley, Henry, 19, 27.
McCorvey, Thomas Chalmers, 7, 16.
Henry Tutwiler and the influence of the Univ. of Va. on education in Ala., 83.
McDonald, Charles J., 217, 228.
McDuffie, George, 163.
McQueen, Joseph P., 19, 28.
McQueen, Rev. Stewart, 7, 15.
Mann, A. Dudley, 194, 195, 196.
Mardis, N. B., 44.
Scott's reminiscences of, 65.
Martin, James B., 45.
Scott's reminiscences of, 68.
Maury, M. F., 192.
Meek, A. B., 47, 256.
Scott's reminiscences of, 71, 81.
Meek, Samuel M., 104.
Membership in Ala. Hist. Soc., 9.
Morgan, John T., 243.
Montgomery in 1857-60, 43.
Social and political life in, 43.
Morrisette, Mrs. Kate H., 7.
Mouton, Ex-Gov. Alex., 176.
Murphy, James Leonidas, 16.
Ala. and the Charleston Con. of 1860, 239.
Nashville Con. of 1850, by D. T. Herndon, 203.
Sentiment regarding admission of Cal., 222.
List of members, 216 n.
List of members at adjourned sess., 229 n.
Resolutions adopted, 218, 232.
Sentiment regarding admission of Texas, 223.
Necrology, 1904.
Foster, James C., 19, 23.
Foster, Joshua H., 19, 23.
McCalley, Henry, 19, 27.
McQueen, J. P., 19, 28.
Porter, M. A., 19, 29.
Thompson, C. W., 19, 30.
Walker, Wm. A., 19, 31.
Officers Ala. Hist. Soc., 7.
Otey, Bishop James H., 109.
Owen, Thomas M., 7, 15, 16.
Necrology, 23.
Proceedings, annual meeting, 1904, 13.
Secretary's report, 18.
Treasurer's report, 21.
Patterson, Rev. Dr. G. W., 15.
Petrie, George, 7, 15, 16.
Pirkett, A. J., 163.
Pike, Albert, 182, 191, 192.
Pillow, Gideon J., 228, 230.
Porter, Mitchell A., 19, 29.
Preston, John S., 255.
Proceedings Ala., Hist. Soc., 13.
Pryor, Roger A., 186.
Quintard, C. T., 109.
Railroad Con. at New Orleans, 174.
Rhett, R. B., 222.
Ruth, Wm. Hardwick, 7, 16.
Saltonstall, Gurdon, 86, 96.
Scott, Sutton S., 16.
Ala. Leg., 1857-58, 1859-60, 43.
Personal recollections of Thomas Hord Herndon, with remarks upon his life and character, 267.
Secretary's report, 18.
Seibels, John J., 240.
Senate of Ala., 1857-58.
List of members, 44.
Senate of Ala., 1859-60.
List of members, 46.
Smith, Carlos G., 103.
Smith, Henry D., 45, 47.
Scott's reminiscences of, 49.
Smith, Wm. Russell, 96.
Tribute to Henry Tutwiler, 88.
Starkey, Wm. L., 217, 218, 227.
Street, O. D., 7.
Thach, C. C., 7.
Thomas, Wm. H., 17.
Thomas, Charles W., 19, 30.
Tilghman, Gen. Tench, 182.
Toombs, Robert, 183.
Treasurer's report, 21.
Tuscaloosa in 1828, 83.
Tutwiler, Henry.
Henry Tutwiler and the influence of the Univ of Va. on education in Ala., by T. C. McCorvey, 83.
Birth, 90.
Death, 90.
Founds Greene Springs School for boys, 100.

Tutwiler, Henry (continued).
Compared with H. W. Hilliard, 98.
Friendship with Thomas Jefferson, 94.
Marriage, 105.
Parentage, 91.
Prof. in Ala. Inst. of Literature and Industry, 99.
Prof. in LaGrange College, 99.
Prof. in Univ. of Ala., 85.
Student at Univ. of Va., 91.
Tribute to by Dr. Robley Dunglison, 92.
Tribute to by John P. Emmet, 92.
Tribute to by Gessner Harrison, 93.
Tribute to by Rev. Richard Henderson Rivers, 99.
Tribute by W. R. Smith, 88.
Tribute to by George Tucker, 92.
Leaves Univ. of Ala., 99.
Tendered Presidency of Univ. of Ala., 104.
Tutwiler, Miss Julia S., 103, 104 n. 105.
Tutwiler, Pascal Ashe, 105.
Virginia University
Influence on education in Ala., 83.
Walker, LeRoy Pope, 252, 254, 255.
Walker, Wm. A., 19, 31.
Wallis, John F., 86.
Whitfield, N. L., 47.
Scott's reminiscences of, 80.
Whiting, John, 243 n.
Debt. comm'n, 1854-60, 53.
Scott's reminiscences of, 53.
Williamson, James S.
Scott's reminiscences of, 59.
Winston, John Anthony, 255, 256, 257, 258.
Woods, Rev. Alva, 86, 94, 96.
Pres. Univ. of Ala., 94.
Resignation, 99.
Woods, Col. C. L., 7.
Wright, James W. A., 103.
Yancey, Wm. L., 186, 236, 240, 242, 248, 249, 250, 255, 257, 259, 260.
In Charleston Con., 1860, 246.
Extract from speech, 247, 249.

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